Contemporary Fatawa

With Mufti Ebrahim Desai



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Sharī`ah Compliant Businessman Data

B*usiness* ***E****ducational* ***E****mpowerment* ***P****rogramme*

Rasulullah *salallahu `alayhi wasallam* said,

طَلَبُ الْحَلالِ فَرِيضَةٌ بَعْدَ الْفَرِيضَةِ - المعجم الكبير للطبراني ١٠/ ٧٤

Seeking halāl (sustenance) is an obligation beyond other obligations.

The obligation to earn halāl and deal according to Sharī`ah can be achieved only by educating oneself on the*Sharī`ah Laws of Business and Commerce related issues.*

Alhamdulillah, The Darul Iftaa receives a variety of queries daily. Many of these queries pertain to Business and Commerce, Estates and Trusts etc.

We encourage you to study these issues and empower yourself to do your business according to Sharī`ah.

Hadhrat `Umar *radiallahu `anhu* would not permit a person to do business if he did not know the general laws of business. The Darul Iftaa also runs a regular email listing for the *`Ulamā* fraternity. *`Ulama* may take advantage of this facility by signing up through their emails. You may send us your request at admin@daruliftaa.net or keep an eye on our website at www.daruliftaa.net / www.mahmudiyyah.com .

Admin Department
on behalf of:
Muftī Ebrahim Desai

Foreword

The Constitution of Islam is the Qur'an and Ahadith. In every time and era, the ever-compassing as well as comprehensive spirit of the Qur'an and Ahadith has been exemplified through the deep understanding of the Fuqaha (jurists) by addressing unique and contemporary issues in the light of the Qur'an and Ahadith. Their juridical skills have led them to unearth the hidden treasures of the Qur'an and Ahadith.

The practice of analysing contemporary issues and deducing the rulings of Shari'ah has been the hallmark of the illustrious Fuqaha. The annals of Islamic history boast the likes of Imam Abu Hanifah, Imam Sarakhsi, Allamah Kaasaani, Allamah Ibn al-Humaam (rahimahumullah- May Allah have mercy upon them-Ameen) and many other lofty personalities. These noble personalities were the garrisons of the Islamic Empire.

From advances in the medical field to the financial world, the Fuqaha left no stone unturned in resolving the contemporary issues of their time. As the wheel of time spins us into the 21st Century, the present day Ulama attempt to walk in the shadows of their illustrious predecessors by analysing contemporary issues and deducing the rulings of Shari'ah.

The Darul Iftaa conducts an educational programme known as B.E.E.P (Business Educational Empowerment Programme) which is sent out almost daily to thousands of

people through our business data. This compilation in your hand is another humble effort to address contemporary issues and is a collection of the fatawa sent out through the B.E.E.P programme.

Once in Makkah Mukarramah I was advised by my honourable teacher Hadhrat Mufti Ahmed Khanpuri Sahib (daamat barakatuhum- May his barakah be extended – Ameen) to compile the business related fatawa in a book. This advice by a great personality in a sacred place encouraged me to compile this book.

Most of the Fataawa were answered by the students of the Darul Iftaa as their training exercise in becoming Muftis. The following are the students of the Darul Iftaa for the year 2012:

Mufti Hussein Issa – *Maputo, Mozambique*
Mufti Zaid Mohammed Shelia – *Chicago, United States*
Maulana Faisal bin Abdul Hameed – *Montréal, Canada*
Maulana Ali bin Cassim – *Los Angeles, United States*
Maulana Abdul Hannan Nizami – *Chicago, United States*
Maulana Abdul Azeem bin Abdur Rahman – *New Orleans, United States*
Maulana Saeed Ahmed Golaub – *Westmoreland, Jamaica*
Maulana Ismail bin Ebrahim Desai – *Durban, South Africa*
Maulana Mahmood Patel – *Azaadville, South Africa*
Maulana Saanwal ibn Muhammad – *Leicester, United Kingdom*
Maulana Faraz ibn Adam – *Leicester, United Kingdom*

We retained the academic references in the footnotes for the benefit of the Ulama and the students of fiqh. For purposes of brevity we have omitted other references which are requirements for the Iftaa training exercise.

We make dua that Allah Ta'ala accept this humble effort and makes it a means of our salvation in the Hereafter. Ameen.

Mufti Ebrahim Desai
19th March 2012

Shari`ah perspective on funds and sports facilities from the LOTTO Company?

Q: We have been approached by ASA (Athletics South Africa) and WP Rugby with regards to the Sharīʿah perspective on obtaining funds and sports facilities from the LOTTO Company. The LOTTO Company will require to display the LOTTO Logo on the facilities provided by them. Kindly view the attached letter from WP Rugby, and inform us accordingly? *(Note: Question has been restructured)*

MJC

EMAIL: fatwa@mjc.org.za

ATTENTION: Mr YusufKeraan

Sir,

LOTTO FUNDING

The WP Rugby Football Union seeks your advice on the matter of Lotto funding and the use there of by predominantly Muslim clubs.

The Union applies for Lotto funding and redistributes the funding in the form of equipment, kit, facilities improvement and capacity building programmes.

With regards to facilities please note that these are normally on Council grounds and therefore not the property of the club. The club hires the ground from the Council. Kit and equipment are normally branded with the Lotto logo.

It is important to note that no person gains financially from this venture as all the funding is ploughed into spheres as mentioned earlier.

The predominantly Muslim clubs also caters for non-Muslim players.

The clubs can also apply for funding by themselves. It is here where guidance is al so required as the clubs are relnctant to do so because they are perhaps not sure if it is allowed.

Funding for sport, which plays a major role in the upliftment of our communities, has been given a life line via the Lotto as many of the traditional funding streams have dried up.
Your esteemed guidance will be highly appreciated.
Herman d. Abrahams
Deputy chief executive officer

MJC
fatwa@mjc.org.za
A:
According to our understanding from the query of W.P. Rugby,
W.P. Rugby Football Union applies for funding from the LOTTO Company. The Union obtains the funding and distributes the funding in kind, equipment, kit and facilities to clubs which are predominantly Muslims.
The kit and equipment has the LOTTO logo on it.
We assume W.P. Rugby Football Union are non-Muslims and they independently obtain the funds for the clubs.
If so, then the Muslim Club may use the funding for sports on condition no laws of *Sharīʿah* are violated in the sports equipment and its activities.
However, it is obvious that the LOTTO Company will seek recognition for its funding, hence the LOTTO logo on the kit and equipment.
This angle of the issue will be governed from the juristic principle of *Taʿawan ʿalal Ism* (Assisting in sin)
Allah Taʿāla says,

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ...

And do not assist in sin and oppression…

(Al Qur'ān 5:2)

The Fuqahā' have categorized "تَعَاوَنُوا عَلَى الْإِثْمِ" in three categories.

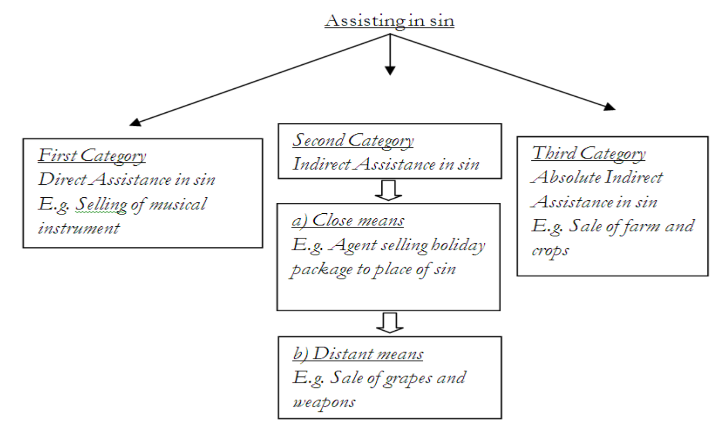
a) Direct assistance in sin.
For example selling a musical instrument.
b) Indirect assistance in sin.

This is further categorized in two:
- Close means (سبب قريب)

For example a travel agent arranging a travel to a place of sin.
- Distant means (سبب بعيد)

For example selling grapes. The purchaser could use the grapes to make an intoxicant.

c) Absolute indirect assistance in sin.
For example a farmer sells vegetables. The purchaser eats those vegetables and gets energy and commits sin.
Hereunder is a table for a simple understanding:



"*Direct assistance in sin*" and "*Close means of indirect assistance in sin*" fall in the category of "تَعَاوَن عَلَى الْإِثْمِ" and are prohibited.

The sin of "*distant means of indirect assistance*" and "*absolute indirect assistance*" will be on the مباشر (the person committing the sin) and not on the person who becomes the means for the sin.

LOTTO is all about gambling. To carry the LOTTO Logo will fall in atleast the second category of "تَعَاوَنُوا عَلَى الْإِثْمِ" –*Close means of indirect assistance in sin.*

The person wearing the kit and issuing the equipment is not involved in gambling. However, by carrying the LOTTO Logo, he is promoting the LOTTO Company.
If the kit and equipment do not have the LOTTO Logo, then there will be a leeway with *Karahiyyah* (dislike) to use the funding with the provision there are no violations of *Sharī ʿah* in the activities of the sport or its equipment.

We understand from the policy of "*Athletics South Africa*" that they respect religious obligations. That policy could be invoked to avoid displaying the LOTTO Logo.[1]

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[١] (وَكُرِهَ بَيْعُ السِّلَاحِ مِنْ أَهْلِ الْفِتْنَةِ) لِأَنَّهُ إعَانَةٌ عَلَى الْمَعْصِيَةِ قَالَ اللَّهُ تَعَالَى {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢]
[تبيين الحقائق شرح كنز الدقائق وحاشية الشلبي ٣/ ٢٩٦]

(قَوْلُهُ وَلَا أَنْ يَسْقِيَ ذِمِّيًّا) قَالَ فِي الْأَصْلِ أَفَتَكْرَهُ لِلْمُسْلِمِ أَنْ يَسْقِيَ الذِّمِّيَّ خَمْرًا أَوْ مُسْكِرًا ؟ قَالَ نَعَمْ؛ لِأَنَّ

هَذَا تَصَرُّفٌ مِنْ الْمُسْلِمِ فِي الْخَمْرِ لَا عَلَى سَبِيلِ التَّطْهِيرِ فَلَا يَحِلُّ؛ لِأَنَّهُ إعَانَةٌ عَلَى الْمَعْصِيَةِ قَالَ تَعَالَى {وَلا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] وَقَالَ فِي الْأَصْلِ أَيْضًا أَفَتَكْرَهُ أَنْ يَسْقِيَ الدَّوَابَّ الْخَمْرَ قَالَ نَعَمْ؛ لِأَنَّهُ انْتِفَاعٌ بِالْخَمْرِ، وَهُوَ حَرَامٌ وَقَالَ الْفَقِيهُ أَبُو جَعْفَرٍ: إنَّمَا يُكْرَهُ إذَا حَمَلَ الْخَمْرَ إلَى الدَّوَابِّ فَإِذَا حَمَلَ الدَّوَابَّ إلَى الْخَمْرِ فَلَا بَأْسَ بِهِ قِيَاسًا عَلَى الْمَيْتَةِ تُحْمَلُ إلَى الْكِلَابِ يُكْرَهُ
[تبيين الحقائق شرح كنز الدقائق وحاشية الشلبي ٦/ ٤٩]

(قال: ويكره بيع السلاح من أهل الفتنة وفي عساكرهم) ش: أي عساكر أهل الفتنة م: (لأنه إعانة على المعصية) ش: قال الله تعالى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] (المائدة: الآية ٢) م: (وليس بيعه) ش: أي بيع السلاح م: (بالكوفة من أهل الكوفة ومن لم يعرفه من أهل الفتنة بأس) ش: بالرفع اسم ليس م: (لأن الغلبة في الأمصار لأهل السلاح) ش: وأهل الفتنة فيها قليل، وتقييده بالكوفة باعتبار أن البغاة خرجوا منها أولاً فالحكم في غيرها كذلك. م: (وإنما يكره بيع نفس السلاح لا بيع ما لا يقاتل به إلا بصنعة) ش: متجددة، فإنه لا بأس من أهل الفتنة.
وأوضح ذلك بقوله م: (ألا ترى أنه يكره بيع المعازف) ش: جمع معزف بكسر الميم وهو ضرب من الطنابير تتخذ به أهل اليمن م: (ولا يكره بيع الخشب) ش: أي الذي يتخذ منه المعزف م: (وعلى هذا) ش: أي الحكم م: (الخمر مع العنب) ش: حيث لا يجوز بيع الخمر ويجوز بيع عصير العنب. والفرق لأبي حنيفة بين كراهية بيع السلاح من أهل الفتنة وعدم كراهة بيع العصير ممن يتخذه خمراً أن الضرر هنا يرجع إلى العامة وهناك يرجع إلى الخاصة. فروع: يكره أن يبعث برؤوس البغاة أو الحربي إلى الأماكن إلا إذا كان في ذلك وهن لهم فلا بأس به. [البناية شرح الهداية ٧/ ٣١٠]

قَالَ: - رَحِمَهُ اللَّهُ - (وَإِجَارَةُ بَيْتٍ لِيُتَّخَذَ بَيْتَ نَارٍ أَوْ بِيعَةً أَوْ كَنِيسَةً أَوْ يُبَاعَ فِيهِ خَمْرٌ بِالسَّوَادِ) يَعْنِي جَازَ إجَارَةُ الْبَيْتِ لِكَافِرٍ لِيُتَّخَذَ مَعْبَدًا أَوْ بَيْتَ نَارٍ لِلْمَجُوسِ أَوْ يُبَاعَ فِيهِ خَمْرٌ فِي السَّوَادِ وَهَذَا قَوْلُ الْإِمَامِ وَقَالَا: يُكْرَهُ كُلُّ ذَلِكَ لِقَوْلِهِ تَعَالَى {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] وَلَهُ أَنَّ الْإِجَارَةَ عَلَى مَنْفَعَةِ الْبَيْتِ وَلِهَذَا تَجِبُ الْأُجْرَةُ بِمُجَرَّدِ التَّسْلِيمِ وَلَا مَعْصِيَةَ فِيهِ وَإِنَّمَا الْمَعْصِيَةُ بِفِعْلِ الْمُسْتَأْجِرِ وَهُوَ مُخْتَارٌ فِيهِ فَقَطَعَ نِسْبَةَ ذَلِكَ إلَى الْمُؤَجِّرِ وَصَارَ كَبَيْعِ الْجَارِيَةِ لِمَنْ لَا يَسْتَبْرِئُهَا أَوْ يَأْتِيهَا فِي دُبُرِهَا أَوْ بَيْعِ الْغُلَامِ مِمَّنْ يَلُوطُ بِهِ وَالدَّلِيلُ عَلَيْهِ أَنَّهُ لَوْ أَجَّرَهُ لِلسُّكْنَى جَازَ وَلَا بُدَّ فِيهِ مِنْ عِبَادَتِهِ وَإِنَّمَا قَيَّدَهُ بِالسَّوَادِ؛ لِأَنَّهُمْ لَا يُمَكَّنُونَ مِنْ ذَلِكَ فِي الْأَمْصَارِ وَلَا يُمَكَّنُونَ مِنْ إظْهَارِ بَيْعِ الْخَمْرِ وَالْخِنْزِيرِ فِي الْأَمْصَارِ لِظُهُورِ شَعَائِرِ الْإِسْلَامِ فَلَا يُعَارَضُ بِظُهُورِ شَعَائِرِ الْكُفْرِ قَالُوا فِي هَذَا سَوَادُ الْكُوفَةِ؛ لِأَنَّ غَالِبَ أَهْلِهَا أَهْلُ ذِمَّةٍ، وَأَمَّا فِي غَيْرِهَا فِيهَا شَعَائِرُ الْإِسْلَامِ ظَاهِرَةٌ فَلَا يُمَكَّنُونَ فِيهَا فِي الْأَصَحِّ وَفِي التَّتَارْخَانِيَّة

مُسْلِمٌ لَهُ امْرَأَةٌ مِنْ أَهْلِ الذِّمَّةِ لَيْسَ لَهُ أَنْ يَمْنَعَهَا مِنْ شُرْبِ الْخَمْرِ وَلَهُ أَنْ يَمْنَعَهَا مِنْ إدْخَالِ الْخَمْرِ بَيْتَهُ وَلَا يُجْبِرُهَا عَلَى الْغُسْلِ مِنْ الْجَنَابَةِ وَفِي كِتَابِ الْخَرَاجِ لِأَبِي يُوسُفَ الْمُسْلِمُ يَأْمُرُ جَارِيَتَهُ الْكِتَابِيَّةَ بِالْغُسْلِ مِنْ الْجَنَابَةِ وَيُجْبِرُهَا عَلَى ذَلِكَ قَالُوا: يَجِبُ أَنْ تَكُونَ الْمَرْأَةُ الْكِتَابِيَّةُ عَلَى هَذَا الْقِيَاسِ أَيْضًا قَالَ الْقُدُورِيُّ فِي النَّصْرَانِيَّةِ تَحْتَ الْمُسْلِمِ [البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري ٨/ ٢٣٠]

وَفِي الْفَتَاوَى الْعَتَّابِيَّةِ وَلَا بَأْسَ بِبَيْعِ الْعَصِيرِ مِمَّنْ يَتَّخِذُهَا خَمْرًا وَلَا بِبَيْعِ الْأَرْضِ مِمَّنْ يَتَّخِذُهَا كَنِيسَةً كَذَا فِي التَّتَارْخَانِيَّة. [الفتاوى الهندية ٣/ ١١٦]

...أَبَا يُوسُفَ أَجَازَهَا مَعَ اخْتِلَافِ الْمِلَّةِ مَعَ الْكَرَاهَةِ، وَعَلَّلَهُ الزَّيْلَعِيُّ هُنَاكَ بِأَنَّ الْكَافِرَ لَا يَهْتَدِي إلَى الْجَائِزِ مِنْ الْعُقُودِ (قَوْلُهُ لَا يَجُوزُ لِأَحَدٍ أَخْذُهُ إلَخْ) ظَاهِرُهُ أَنَّهُ لَا يَجُوزُ الْإِقْدَامُ عَلَى الْأَخْذِ مَا لَمْ يُسْمِعْ الْمَالِكُ قَالَ لِيَأْخُذَهُ مَنْ أَرَادَهُ وَظَاهِرُهُ أَنَّهُ يَمْلِكُهُ بِالْأَخْذِ إذَا قَالَ الْمَالِكُ ذَلِكَ وَإِلَّا لَا، وَتَقَدَّمَ تَمَامُ الْكَلَامِ عَلَى هَذِهِ الْمَسْأَلَةِ فِي بَابِ الْجِنَايَةِ عَلَى الْإِحْرَامِ مِنْ كِتَابِ الْحَجِّ [الدر المختار وحاشية ابن عابدين (رد المحتار) ٥/ ٢٣٦]

...مَطْلَبٌ فِي كَرَاهَةِ بَيْعِ مَا تَقُومُ الْمَعْصِيَةُ بِعَيْنِهِ (قَوْلُهُ: تَحْرِيمًا) بَحْثٌ لِصَاحِبِ الْبَحْرِ حَيْثُ قَالَ: وَظَاهِرُ كَلَامِهِمْ أَنَّ الْكَرَاهَةَ تَحْرِيمِيَّةٌ لِتَعْلِيلِهِمْ بِالْإِعَانَةِ عَلَى الْمَعْصِيَةِ ط (قَوْلُهُ: مِنْ أَهْلِ الْفِتْنَةِ) شَمِلَ الْبُغَاةَ وَقُطَّاعَ الطَّرِيقِ وَاللُّصُوصَ بَحْرٌ (قَوْلُهُ: إنْ عَلِمَ) أَيْ إنْ عَلِمَ الْبَائِعُ أَنَّ الْمُشْتَرِيَ مِنْهُمْ (قَوْلُهُ: لِأَنَّهُ إعَانَةٌ عَلَى الْمَعْصِيَةِ) ؛ لِأَنَّهُ يُقَاتِلُ بِعَيْنِهِ، بِخِلَافِ مَا لَا يُقْتَلُ بِهِ إلَّا بِصَنْعَةٍ تَحْدُثُ فِيهِ كَالْحَدِيدِ، وَنَظِيرُهُ كَرَاهَةُ بَيْعِ الْمَعَازِفِ؛ لِأَنَّ الْمَعْصِيَةَ تُقَامُ بِهَا عَيْنُهَا، وَلَا يُكْرَهُ بَيْعُ الْخَشَبِ الْمُتَّخَذَةِ هِيَ مِنْهُ، وَعَلَى هَذَا بَيْعُ الْخَمْرِ لَا يَصِحُّ وَيَصِحُّ بَيْعُ الْعِنَبِ. وَالْفَرْقُ فِي ذَلِكَ كُلِّهِ مَا ذَكَرْنَا فَتْحٌ وَمِثْلُهُ فِي الْبَحْرِ عَنْ الْبَدَائِعِ، وَكَذَا فِي الزَّيْلَعِيِّ لَكِنَّهُ قَالَ بَعْدَهُ وَكَذَا لَا يُكْرَهُ بَيْعُ الْجَارِيَةِ الْمُغَنِّيَةِ وَالْكَبْشِ النَّطُوحِ وَالدِّيكِ الْمُقَاتِلِ وَالْحَمَامَةِ الطَّيَّارَةِ؛ لِأَنَّهُ لَيْسَ عَيْنُهَا مُنْكَرًا وَإِنَّمَا الْمُنْكَرُ فِي اسْتِعْمَالِهَا الْمَحْظُورِ. اهـ. قُلْت: لَكِنَّ هَذِهِ الْأَشْيَاءَ تُقَامُ الْمَعْصِيَةُ بِعَيْنِهَا لَكِنْ لَيْسَتْ هِيَ الْمَقْصُودَ الْأَصْلِيَّ مِنْهَا، فَإِنَّ عَيْنَ الْجَارِيَةِ لِلْخِدْمَةِ مَثَلًا وَالْغِنَاءُ عَارِضٌ فَلَمْ تَكُنْ عَيْنَ الْمُنْكَرِ، بِخِلَافِ السِّلَاحِ فَإِنَّ الْمَقْصُودَ الْأَصْلِيَّ مِنْهُ هُوَ الْمُحَارَبَةُ بِهِ فَكَانَ عَيْنُهُ مُنْكَرًا إذَا بِيعَ لِأَهْلِ الْفِتْنَةِ، فَصَارَ الْمُرَادُ بِمَا تُقَامُ الْمَعْصِيَةُ بِهِ مَا كَانَ عَيْنُهُ مُنْكَرًا بِلَا عَمَلِ صَنْعَةٍ فِيهِ، فَخَرَجَ نَحْوُ الْجَارِيَةِ الْمُغَنِّيَةِ؛ لِأَنَّهَا لَيْسَتْ عَيْنَ الْمُنْكَرِ، وَنَحْوُ الْحَدِيدِ وَالْعَصِيرِ؛ لِأَنَّهُ وَإِنْ كَانَ يُعْمَلُ مِنْهُ عَيْنُ الْمُنْكَرِ لَكِنَّهُ بِصَنْعَةٍ تَحْدُثُ فَلَمْ يَكُنْ عَيْنَهُ، وَبِهَذَا ظَهَرَ أَنَّ بَيْعَ الْأَمْرَدِ مِمَّنْ يَلُوطُ بِهِ مِثْلُ الْجَارِيَةِ الْمُغَنِّيَةِ فَلَيْسَ مِمَّا تَقُومُ الْمَعْصِيَةُ بِعَيْنِهِ، خِلَافًا لِمَا ذَكَرَهُ الْمُصَنِّفُ وَالشَّارِحُ فِي بَابِ الْحَظْرِ وَالْإِبَاحَةِ، وَيَأْتِي تَمَامُهُ قَرِيبًا (قَوْلُهُ: يُكْرَهُ لِأَهْلِ الْحَرْبِ)

Why is suicide Haram when Allah hates you?

Q: Why is suicide Haraam when Allaah hates you? Wouldn't it be better to die instead of cause a pain to people around me by living? Can a suicide person be granted Shifa'ah of the Messenger of Allaah, sallallaahu 'alayhi wa sallam?

A: I am sorry that you are feeling despondent and fed up with life but how do you know that Allah hates you? Why don't you believe that Allah loves you?

He has made you Muslim and blessed you to be in the

مُقْتَضَى مَا نَقَلْنَاهُ عَنْ الْفَتْحِ عَدمُ الْكَرَاهَةِ، إلَّا أَنْ يُقَالَ: الْمَنْفِيُّ كَرَاهَةُ التَّحْرِيمِ وَالْمُثْبَتُ كَرَاهَةُ التَّنْزِيهِ؛ لِأَنَّ الْحَدِيدَ وَإِنْ لَمْ تَقُمْ الْمَعْصِيَةُ بِعَيْنِهِ لَكِنْ إذَا كَانَ بَيْعُهُ مِمَّنْ يَعْمَلُهُ سِلَاحًا كَانَ فِيهِ نَوْعُ إعَانَةٍ تَأَمَّلْ (قَوْلُهُ: نَهْرٌ) عِبَارَتُهُ: وَعُرِفَ بِهَذَا أَنَّهُ لَا يُكْرَهُ بَيْعُ مَا لَمْ تَقُمْ الْمَعْصِيَةُ بِهِ كَبَيْعِ الْجَارِيَةِ الْمُغَنِّيَةِ وَالْكَبْشِ النَّطُوحِ وَالْحَمَامَةِ الطَّيَّارَةِ وَالْعَصِيرِ وَالْخَشَبِ الَّذِي يُتَّخَذُ مِنْهُ الْعَازِفُ، وَمَا فِي بُيُوعِ الْخَانِيَّةِ مِنْ أَنَّهُ يُكْرَهُ بَيْعُ الْأَمْرَدِ مِنْ فَاسِقٍ يَعْلَمُ أَنَّهُ يَعْصِي بِهِ مُشْكِلٌ. وَالَّذِي جَزَمَ بِهِ فِي الْحَظْرِ وَالْإِبَاحَةِ أَنَّهُ لَا يُكْرَهُ بَيْعُ جَارِيَةٍ مِمَّنْ يَأْتِيهَا فِي دُبُرِهَا أَوْ بَيْعُ الْغُلَامِ مِنْ لُوطِيٍّ وَهُوَ الْمُوَفِّقُ لِمَا مَرَّ. وَعِنْدِي أَنَّ مَا فِي الْخَانِيَّةِ مَحْمُولٌ عَلَى كَرَاهَةِ التَّنْزِيهِ وَالْمَنْفِيُّ هُوَ كَرَاهَةُ التَّحْرِيمِ، وَعَلَى هَذَا فَيُكْرَهُ فِي الْكُلِّ تَنْزِيهًا، وَهُوَ الَّذِي إلَيْهِ تَطْمَئِنُّ النَّفْسُ؛ لِأَنَّهُ تَسَبَّبَ فِي الْإِعَانَةِ، وَلَمْ أَرَ مَنْ تَعَرَّضَ لِهَذَا، وَاَللَّهُ تَعَالَى الْمُوَفِّقُ اهـ (قَوْلُهُ: يُنَفَّذُ) بِالتَّشْدِيدِ مَبْنِيًّا لِلْمَجْهُولِ (قَوْلُهُ: لَوْ عَادِلًا) أَيْ لَوْ كَانَ حُكْمُ قَاضِيهِمْ عَادِلًا: أَيْ عَلَى مَذْهَبِ أَهْلِ الْعَدْلِ. قَالَ فِي الْفَتْحِ: وَإِذَا وَلَّى الْبُغَاةُ قَاضِيًا عَلَى مَكَان غَلَبُوا عَلَيْهِ فَقَضَى مَا شَاءَ ثُمَّ ظَهَرَ أَهْلُ الْعَدْلِ فَرُفِعَتْ أَقْضِيَتُهُ إلَى قَاضِي الْعَدْلِ نَفَّذَ مِنْهَا مَا هُوَ عَدْلٌ وَكَذَا مَا قَضَى بِرَأْيِ بَعْضِ الْمُجْتَهِدِينَ؛ لِأَنَّ قَضَاءَ الْقَاضِي فِي الْمُجْتَهَدَاتِ نَافِذٌ وَإِنْ كَانَ مُخَالِفًا لِرَأْيِ قَاضِي الْعَدْلِ.

[الدر المختار وحاشية ابن عابدين (رد المحتار) ٤/ ٢٦٨]

فَأَمَّا حَمْلُ الطَّعَامِ فِي الْيَوْمِ الثَّالِثِ لَا يُسْتَحَبُّ؛ لِأَنَّ فِي الْيَوْمِ الثَّالِثِ تَجْتَمِعُ النَّائِحَاتُ فَإِطْعَامُهُ فِي ذَلِكَ الْيَوْمِ يَكُونُ إعَانَةً عَلَى الْمَعْصِيَةِ، كَذَا فِي فَتَاوَى قَاضِي خَانْ. [الفتاوى الهندية ٦/ ٩٥]

Ummah of His Most-Beloved Prophet (salallahu alayhi wa sallam). He has given you the inclination to seek an Islamic ruling on your predicament rather than act on your feelings.

If Allah hated you, why would He give you a brain to think? Why would he give you eyes to see? Why would He give you ears to hear? Why would He create millions of blood vessels and cells in your body to nourish you? There is no limit to His bounties. Do you have an answer for your claims of hate? Why would Allah give brains to someone who would use the brains against Him? How tolerant is Allah!
The bounties and favors of Allah are innumerable. Often we don't even realize the value of such blessings until they are taken away from us. Allah says:

"And if you were to count Allah's favors, you would not be able to number them; most surely Allah is Forgiving, Merciful."
(Surah al-Nahl: 18)

Many blessings of Allah are visible and many are invisible. Allah has even appointed angels for our protection. They guard us from so many incidents and are only removed when something is decreed to befall us. Were there to be no security cordon of these angels around us, we would be in serious trouble. These blessings serve to remind us the Allah loves us and how Compassionate He is towards His creation.

Pain and grief are part of this world and we always ask Allah for well-being but life is not perfect nor is it paradise. On the same token, you cannot end your life on the

presumption that Allah hates you since there is no proof or basis for this allegation.

On the contrary we know that Allah is more compassionate towards His slaves than a mother is towards her child so why exclude yourself and think these detrimental thoughts?

How do you know that your life won't turn for the better and everything will become alright? The night doesn't last forever and eventually gives way to daylight. Allah says:

" Verily, along with every hardship is relief, Verily, along with hardship is relief"

(Surah Al-Inshirah: 5-6)

Allah knows best how long it is best for you to live and when it is best for you return to Him. So instead of longing for death you should make the following dua:

"O Allah! Keep me alive as long as living is better for me, and when death is better for me according to Your Knowledge, take me unto You."

Do not think about suicide as it is haram for a number of reasons:

1.) First and foremost because Allah, the King of Kings has made it haram in His Infinite Wisdom and to make something halal that Allah has made haram is not acceptable – in fact its outright rebellion.

2.) Secondly, you are not the owner of your body – nor do

you have the right to do with it what you please. By choosing to end your life at a time of your choosing you are committing an oppression on your body. In the terminology of jurisprudence, such a person is labeled a fasiq (evil-doer) even if the oppression he is committing is limited to himself and not to others.

3.) Thirdly, this action is so reprehensible that when Rasulullah (salallahu alayhi wa sallam) was brought the body of a man who had committed suicide, he (salallahu alayhi wa sallam) did not lead the Janazah (funeral prayer) for him. This in itself serves a poignant example of the how serious this crime is.

4.) Fourthly, it's not your decision to leave this world at a time of your choosing. By choosing a time of your death – you are in essence claiming to know better than Allah (Allah forbid) – who is the Most Wise, the All-Knowing, the All-Aware. This decision belongs to your Lord who has given you Paradise in exchange for your life and wealth as is mentioned in a Quranic verse. What a beautiful bargain! Both the purchase (Paradise) and the price of the purchase (your life and your wealth) has been provided by Allah. Then how can you choose when and how to leave?

Structuring the deal into installments reflecting purchase price as interest to gain tax relief.

Q: We have negotiated a sale of a property at R1 million cash or R2 million payable over 12 months in equal instalments. Our accountant has advised us to structure the deal by dividing the purchase price of R2 million into capital and interest in order to gain tax relief. The sale agreement will reflect the respective amounts as capital and interest. Kindly advise if the transaction is permissible according to Shari'ah.

A: The sale of the property for R2 million payable over 12 months in equal instalments is permissible. To record the purchase price as interest in order to gain tax relief is permissible. The amount reflected as interest for tax relief will not be interest.

Bequest made by non-Muslim parents in favour of their Muslim children.

Q: Kindly explain the Shar'ī position of the bequest made by non-Muslim parents in favour of their Muslim child in their Will. Will it be Mīrāth (inheritance) or Wasiyyat (bequest)?

A: There are differences of opinion regarding Muslims inheriting from non-Muslim relatives. According to the majority of the Sahāba (Radhiallahu `anhum) and Tabi'īn (Rahimahumullah), Muslims do not inherit from their non-Muslim relatives based on the following Hadīth:

Usāma Ibn Zaid (Radhiallahu `anhu) narrates that Rasulullah (Sallallāhu `alayhi wasallam) said, 'A Muslim cannot inherit from

his non-Muslim relatives and a non-Muslim will not inherit from his Muslim relatives.' (Mishkāt Pg.263; Merāj).

However, a Muslim and non-Muslim can make a bequest for a non-Muslim and Muslim respectively. (Raddul Mukhtār vol. pg.652; H.M. Sa'īd)

Any bequest made in favour of a Muslim relative by his non-Muslim relative and vice versa will fall in the category of wasiyyat and will be governed by the rules and principles of Wasiyyat. The underlying principle being that the wasiyyat cannot exceed one third of the nett estate after paying funeral expenses and debts.

An example of Dimishing Musharakah (Partnership)

Q: I am engaged in the business of renting out heavy machinery at hourly rates based on usage or fixed daily and monthly rates. Currently I am facing constraints in capital to expand further. Is it permissible to:

1.obtain machinery on a fixed monthly rental from a individual who possesses the funds required to purchase such machinery for a fixed term (ie to pay a fixed monthly rental irrespective of usage) and rent it out in turn and earn income from it,

2.to purchase the machinery at a price agreed up-front but paid at the end of the tenure of rental or by installments,

3.if repayment by installment is allowed can the rental be adjusted on the basis of owning a share of the machine, say cost of machine -$ 100,000 up-front agreed purchase price - $ 100,000 monthly rental -$ 3,000 first installment paid at the end of first year - $ 50,000

After the payment of $ 50,000 at the end of first year can the rent be reduced proportionately to $ 1,500 (with mutual agreement) from the beginning of second year on the basis of owning one half share of the machinery (purchase agreement to specify risk and reward to accrue on the basis of ownership).

A: Firstly, the ruling pertaining renting out something obtained on rent is:

- If it's given out on the same rent or less than the rent paid to the owner, then it would be permissible.
- If it's given out on a rent higher than the rent paid to the owner, then the extra rent has to be given out on charity.
- However, if any modifications are made to it, then giving it out at a higher rent will also be permissible, on condition that the owner does not restrict him from renting it out to others.

Rad-ul-muhtar Vol: 6 Pg:91 (H.M. Sa'eed Company) [2]
(Fatāwa Mahmūdiyah Vol. 13 Pg.398
; Fatāwa Mahmūdiyah Vol. 17 Pg.369)

As far as the second and third methods are concerned, they are permissible and the concept of Diminishing Musharakah will be applied.

Diminishing Musharakah
According to this concept, a financer and his client participate either in the joint ownership of a property or an equipment, or in a joint commercial enterprise. The share of the financier is further divided into a number of units and it is understood that the client will purchase the units of the share of the financier one by one periodically, thus increasing his own share till all the units of the financier are purchased by him so as to make him the sole owner of the property, or the commercial enterprise, as the case may be.
(An Introduction To Islamic Finance Pg. 82 , Idaratul Ma'arif)

In the situation mentioned in the question, the share or the financer will be divided into 2 units. However, the partnership and the subsequent purchase by the client must be completely separate and independent. The purchase of

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[2] (للمستأجر أن يؤجر المؤجر الخ) أي ما استأجره بمثل الاجرة الاولى أو بأنقص، فلو بأكثر تصدق بالفضل (رد المحتار ج٦ ص)
وَلَهُ السُّكْنَى بِنَفْسِهِ وَإِسْكَانُ غَيْرِهِ بِإِجَارَةٍ وَغَيْرِهَا) وَكَذَا كُلُّ مَا لَا يَخْتَلِفُ بِالْمُسْتَعْمِلِ يَبْطُلُ التَّقْيِيدُ ؛ لِأَنَّهُ غَيْرُ مُفِيدٍ ، بِخِلَافِ مَا يَخْتَلِفُ بِهِ كَمَا سَيَجِيءُ ، وَلَوْ آجَرَ بِأَكْثَرَ تَصَدَّقَ بِالْفَضْلِ إلَّا فِي مَسْأَلَتَيْنِ : إذَا آجَرَهَا بِخِلَافِ الْجِنْسِ أَوْ أَصْلَحَ فِيهَا شَيْئًا

the shares by the client cannot be a condition of the partnership. That will lead to two transactions in one, which is prohibited.

Exchanging different currencies

Q: I need your urgent reply as these doubts are disturbing me a lot. I sell euros to a close friend and normal price of euros is around 10r in the market but my rate is 12rands and the facility with me is that he pays the euros with dated cheques 4 to 5 to 6 months since we hv the trust between us the problem is that someone told me that this is riba since hes paying more because i give him facilitys as if he would hv cash he could buy for 10r with anyone he wouldnt need my services but with me he pays more because of the dated cheques ?

Please inform this falls on *riba* selling the euros more expensive since i know he needs my services ?

A: We understand from your question that you sell Euros to your friend in exchange of rands. This being the case, where there is an exchange of two different currencies, there are basically two options:

1) SOLD ON THE SPOT: The Euros can either be sold on the spot at whatever rate is agreed upon between the parties, and not necessarily the market rate.

2) DEFERRED PAYMENTS: Alternatively, if the payment is deferred on either side as in your case, the

exchange must be in accordance with the market rate.

(Contemporary Fatawa Pg. 141,
Mufti Taqi Uthmani, Idara Islamiat)

Hence, the R2 excess charge will be Riba (usury) and cannot be used for ones personal benfit. It should be disposed off to poor and needy Muslims or non-Muslims.

Rent 2 Own

Q: Assalamoalaikum, recently one of the Muslim community members here in Ottawa Canada came was offered the following home purchacing option by a local company. (below). Can the respected Ulema assist us by reviewing the program offered to see if it meets the requirements of a valid Islamic transaction.

Our program allows you to live in your dream home today without having to meet the typical financing qualifications required by the big banks. Our unique program is designed to assist Canadians who experience difficulty in qualifying for conventional financing, either because of bruised credit or lack of down payment.

Our program is very flexible in the amount of down payment required and/or the monthly payments. Once we approve your application, you are treated as the owner of the property the day you move in. Our program is design to help you qualify for financing as soon as possible. Typically we can help you qualify for conventional financing within 1-2 years if you follow our program. We can extend the program longer if

necessary as long as you are not in default with us. Our credit counselor will help you rebuild, repair or establish your credit rating. Our Counselor will review your credit report with you and provide you with a personalized plan for you to follow. This plan, if properly executed by you during the rental term, will improve or establish your credit rating sufficiently to be approved by conventional lenders.

We rent you the home for a period of 1-2 years with the Option To Purchase at the end of the rental period. Our tenant/buyers love it because it gives them time to save up for a larger down payment, time to clean up past credit problems or time to sell another home. We are obligated to sell the home to you. However, you are not obligated to buy. When you purchase the home 100% of your Initial Option Payment Credit and 100% of your Monthly Option Payment Credit is credited towards the purchase price of the home. These credits will act as your down payment. If you decide not to purchase the home you will lose your Initial Option Payment Credit and your Monthly Option Payment Credit. We commit ourselves to helping you at a great financial expense, so it's only natural for you to lose your credits for not keeping your commitment. We do all we can to make your dream of home ownership a reality so please help us help you. Do not join our program unless you are truly committed to home ownership.

The purchase price will be established up front before signing and is based on the projected value of the home at the end of your occupancy agreement. If the property appreciates more, which is very possible, you benefit from that increase.

What Is Rent 2 Own?
Rent 2 Own consists of two separate contracts. The first contract is an Occupancy Agreement and the second is an Option to Purchase Agreement. The Occupancy Agreement is similar to a rental contract.

The Option to Purchase Agreement is the contract stating your intentions to buy the property within a specific period of time.

Our Rent 2 Own Program requires a deposit of 5% which we call "Initial Option Payment Credit" (Non-refundable). To purchase the property you will need another 5%. This 5% is divided by the number of months in your Occupancy Agreement and added to the market rent of the property. This is done to make sure you have the full 10% down payment to buy the property. The higher your deposit, the lower your monthly payments will be.

Suppose you want to buy a property that by our estimation will be worth $256,000 at the end of your Occupancy Agreement in 2 years and you only have $12,800 or 5% to put down as the Initial Option Payment Credit. You will still need another 5% or $12,800, so we divide the $12,800 by the number of months in your Occupancy Agreement to give us the Monthly Option Payment Credit. This will be added to your current market rent and is non-refundable. Basically, we let you pay your down payment one month at a time.

Banks have strict lending policies that restrict many individuals from qualifying for a mortgage. But with Rent 2 Own Canada it's easy to qualify. The program is flexible and can be customized to your needs. If you have a reasonable Initial Option Payment Credit and good income to support the additional Monthly Option Payment Credit, you should qualify.

In addition, our credit counselor will help you rebuild, repair or establish your credit. They will review your credit report with you and provide you with a personalized plan for you to follow. Our tenant/buyers love it because it gives them time to save up for a larger

down payment, time to clean up past credit problems or time to sell another home.

Warning
The Option To Purchase obligates the owner to sell the home to you. However, you are not obligated to buy. When you purchase the home 100% of your Initial Option Payment Credit and 100% of your Monthly Option Payment Credit is credited towards the purchase price of the home. These credits will act as your down payment. If you decide not to purchase the home you will lose your Initial Option Payment Credit and your Monthly Option Payment Credit. We commit ourselves to helping you at a great financial expense, so it's only natural for you to lose your credits for not keeping your commitment. We do all we can to make your dream of home ownership a reality so please help us help you. Do not join our program unless you are truly committed to home ownership.

Home ownership is hands down the single best investment a family can make. Rent 2 Own Canada strives to create win-win-win situations for our tenants/buyers, investors and our company.

A: We have studied the Rent 2 Own programme referred to in your query.

The basic structure of the deal is clear. There are two contracts, a rental contract and an option to purchase contract.

It would be more clearer to us if the schedule of the rentals be provided to have a more clearer understanding of how the rentals are linked to the purchase price.

We gauge from the explanation of the scheme that although it is stated that there are two contracts, they have been intrinsically linked through the option for purchase.

The client will pay a rental as well as 5% option to purchase. He will require to give another 5% to make a 10% down payment towards the purchase price.

If the client does not purchase the property he forfeits the 5%. If he does purchase then the 5% is included in the rental. The other 5% is also included in the rental and divided in proportion to the monthly instalments. Hence the 10% is rental as well as part of the purchase price. This structure is incorrect for the following reasons.

1. The rent contract must be completely separate and independent. It must not be legally linked to the purchase contract.
2. Similarly the purchase contract must also be completely independent of the rental contract even in terms of the payment schedule.
3. The 5% deposit of initial option non refundable clause is incorrect. This is paying for an option. An option is not an object of transaction.
4. The remaining 5% and the initial deposit of 5% will be rental and eventually be part of the purchase price. Hence the client will have a legal claim to offset that against the rentals. This clearly illustrates that there is a mixture of two transactions in one. It is stated in a hadīth:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعَتَيْنِ فِي بَيْعَةٍ

Rasulullah salallahu alayhi wasallam prohibited from two transactions in one.

(Sunan Tirmidhi #1231)

There is an alternative to this scheme. The company may contact us we will assist them design a Sharīʿah Compliant alternative with the same spirit of the scheme in reference.

Two basic forms of partnerships

Q: One brother is in partnership with a non muslim ,importing and exporting clothes. There are no haraam items involved. How should he go into partnership according to the shariah, what should he do and not do? Could you explain more on the process of the goods being insured...?

A: There are two basic types of partnership

1. Mudārabah
2. Mushārakah

In Mudārabah the partnership is where one provides the capital only and the other provides the labour only. The partner providing the labour uses the capital and makes an investment.

Both parties mutually agree to share the profits. If there is a loss, it will be consume the capital. Kindly find a detailed

Mudārabah Contract at our website : A Guide to Mudarabah Agreement . On this link you may also download a pdf copy of this agreement.

In Mushārakah, the capital contribution is from all the partners. It is not necessary for the capital contribution to be equal. The profit also will be divided according to a mutually agreed percentage. If there is a loss, it will be pro-rata the capital contribution.

Besides the above broad principle of Mushārakah, some points to consider are:

• The type of business partnership must be halāl.
• All the issues of partnership should be clearly mentioned. There shouldn't be any ambiguity on any issue.
• The term of partnership should be specified.
• Record the partnership in writing.
• Include a mediation and arbitration clause to address disputes.
• Identify a suitable person to resolve such disputes.

It is best a draft partnership agreement be designed according to ones specific needs and sent to me. I will check the Sharīʿah Compliancy of the agreement and offer my observations accordingly.

Income from Fraudulant Degrees

Q: If someone get fraud degrees . Are his earnings are Haram?

A: The hallmark of a Muslim is to be truthful and honest. It does not behove a Muslim to speak lies and cheat. Those are the traits of a hypocrite. It is truthfulness and honesty that leads a person to recognise Allah and get close to Allah. A liar and cheater is deprived of the closeness to Allah and the true recognition of Allah Ta'āla. Truthfulness and honesty is not confined to the issues of faith. It is in all spheres of life; truthfulness in one dealings, truthfulness in one's family and associates. Truthfulness in education and examination reflects the real value of a Muslim. To cheat in exams and fraudulently obtain a degree is an abhorrent act. If a person cheats and lies in one issue, that will lead him to lies in another issue. It is a common saying, "a liar will have to speak ten lies to defend one lie".

Nevertheless, the issue of the earning being *halal* with a fraud degree depends on the service provided.

If such a person correctly and appropriately provided the service, his income in lieu of the service will be*halāl*. The sin of speaking lies and fraudulently obtaining a degree is a different issue.

Istikharah

Q: I have a question regarding istikhara...is istikara allah(swt) decision or an advice especially when we see a dream?

A: Istikhārah is to seek the guidance of Allah Ta'ala.

Allah Ta'ala is *'ālimul ghaib* (Knower of the unseen). As human beings we are trapped in not knowing the future. Our intelligence and insight is also limited. If we knew what the future holds for us or had absolute intelligence, then we would probably not made any wrong decisions. In life we have to make some vital decisions and cannot afford making a mistake in that. We thus consult *(Mashwarah)* appropriate people and also make Istikhārah (seek divine guidance).

In Istikhāra, Allah guides us to what is good or bad for us in whatever we are seeking guidance in. The decision is left up to us. Ultimately only that will happen which is in the absolute knowledge of Allah.

Seeing a dream in Istikhārah is not necessary. When one makes Istikhārah correctly and with a balanced mind, the feeling that comes in the heart is guidance from Allah. If one is doubtful when making Istikhārah, the Istikhārah should continue until one is satisfied. A dream in Istikhārah could also be an indication to the guidance sought.

It is best to refer to a learned pious person to interpret the dream. If a person makes Istikhārah and made a decision and then realised having made a mistake in the decision, then that is because:

- The Istikhārah was not correctly carried out. OR

- Made Istikhārah with a preconceived mind. The dream in Istikhārah was a reflection of ones thought. OR
- Still in doubt and terminating the Istikhārah and making a hasty decision. OR
- The dream was incorrectly related or interpreted.

If the Istikhārah was correctly carried out then the only reason for the adverse conditions is Taqdīr. As muslims, it is wājib to submit to Taqdīr.

Importance of making a will

Q: I would like to know if a will was made out and things change in there over the years like my mom had a house when she made out her will but a few years later she sold the house and came to live by me which I just bought a house she gave me an amount of money and told me to use it as part of my deposit for my house.she now pass on and in her will stated that if she still have a house then the house must be sold and the money must be given to the grand children. but she now don't have a house when she pass on do I need to pay the money back that she has given me even though she never said that I have to pay it back. and is it right that the kids want it and that is must not go to the grand children

A: *Sharīʿah* has emphasised on drawing up ones will.

مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ، يَبِيتُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ

ʿAbdullah ibn ʿUmar radiallahu ʿanhu narrates that Rasulullah salallahu ʿalayhi wasallam said,

It is not appropriate for a muslim who has something to make a bequest for, that he spends two nights except that his bequest is written by him.

(Sahīh Bukhāri #2738)

The *Fuqahā'* have ruled that it is *Mustahab* (desirable) to draw up ones will and bequest. That is if one does not have any *Sharʿī* obligation on him. For example, he does not owe people money, or people do not owe him money or he does not have people's trust in his possession. If he has a *Sharʿī* obligation on him, for example he owes people money or people have entrusted things in his possession, it is *wājib* to make a will and record this in his will.

لَكِنْ إِنْ كَانَ عَلَى الْإِنْسَانِ دَيْنٌ أَوْ وَدِيعَةٌ لَزِمَهُ الْإِيصَاءُ بِذَلِكَ

…however if there is any debt of item or trust upon a person, then it will be binding for him to make a bequest for that…

(Hāshiyatut Tībī ʿalal mishkāt il masabīh)

Death is imminent. Therefore one should draw up ones will as soon as possible. If a person missed some*Fardh Salāh* or did not discharge his *Zakāh*, he should record all that. It is possible that a person being conscious of his *Sharʿī* obligation of drawing a will and conscious of death draws his will but outlives the will. He may have recorded his missed *salāh* but made up for some missed *salāh*. He may have recorded a debt but paid for it or received payment.

He will have to adjust his will accordingly to reflect the correct position of these issues in his will.

وَإِنْ تَجَدَّدَ لَهُ أَمْرٌ يَحْتَاجُ إِلَى الْوَصِيَّةِ بِهِ أَلْحَقَهُ بِهَا

…and if the matter which requires a bequest changes (from its recorded state) then he shall revise it (bequest)…

(Hāshiyatut Tībī ʿalal mishkāt il masabīh)

Reverting to your query, your mom recorded having a house in her will and bequeathed the proceeds of the sale of the house to the grandchildren.

As a principle, a bequest can only be made for a non-heir to a maximum of one-third of the Nett Estate. If the proceeds of the house was within one-third of the Nett Estate and the grandchildren are not heirs, then the bequest was valid. If the proceeds of the sale of the house exceeded one-third of the Nett Estate, the excess amount will not be valid.

Similarly, if the grandchildren were heirs, the entire bequest will not be valid.

Nevertheless, your mom sold the house and now does not own the house. Therefore the issue of the bequest falls away. She will have to adjust her will accordingly. The money she gave you for deposit of your house is a gift to you. You do not have to return that money to her estate. Her children cannot claim that money from you.[3]

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[٣] (قَوْلُهُ: هُوَ الْإِيجَابُ) وَفِي خِزَانَةِ الْفَتَاوَى: إذَا دَفَعَ لِابْنِهِ مَالًا فَتَصَرَّفَ فِيهِ الِابْنُ يَكُونُ لِلْأَبِ إلَّا إذَا دَلَّتْ دَلَالَةُ التَّمْلِيك بِيرِيٌّ. قُلْت: فَقَدْ أَفَادَ أَنَّ التَّلَفُّظَ بِالْإِيجَابِ وَالْقَبُولِ لَا يُشْتَرَطُ، بَلْ تَكْفِي الْقَرَائِنُ

Working as an internal auditor

Q: I am Internal Auditor. My job involves doing mainly compliance based testing. Compliance of companies policies and procedures as well as legislative requirements. Based on the findings we would issue management with recommendations to improve the situation which they may or amy not accept. Recommendations normally are best practise related. We report to the audit committee functionally and normally the Finance executive administratively. In essence we are have to be independen in order for us to be objective. We do no processing of transaction or monitoring. We used a risk based approach in deciding what to audit. The reason I mention all this is for you to have an understanding of the profession in general. I am in the process of applying for another job. I want to know what industries should I not consider. At the moment the best alternatives based on my work experience are the banks. can I apply here? Are there any areas that I should avoid altogether?

A: There are three angles to your query.

- As an auditor

الدَّالَّةُ عَلَى التَّمْلِيكِ كَمَنْ دفَعَ لِفَقِيرٍ شَيْئًا وَقَبَضَهُ، (الدر المختار وحاشية ابن عابدين (رد المحتار) ٥/ ٦٨٨)

(قَوْلُهُ: بِالْقَبْضِ) فَيُشْتَرَطُ الْقَبْضُ قَبْلَ الْمَوْتِ (المرجع السابق ٥/ ٦٩٠

- Recommendations on policies, procedures and legislation requirements in a conventional bank.
- Remuneration from a conventional bank.

In general, an auditor inspects recordings of a transaction according to set policies. In principle, there is nothing wrong with the practice of auditing. An auditor is not part of the recorded un-Islamic dealings. However, viewing the situation within the context of a conventional bank and the description of your job, it is obvious that the core practice of a conventional bank is interest related and other non-Shariah Compliant transactions. You will be required to inspect and analyse the policies and procedures of such transactions and make recommendations to improve everything related to that. Such a practice clearly falls within the prohibition of assisting in sins.

Allah Ta'ala says,

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

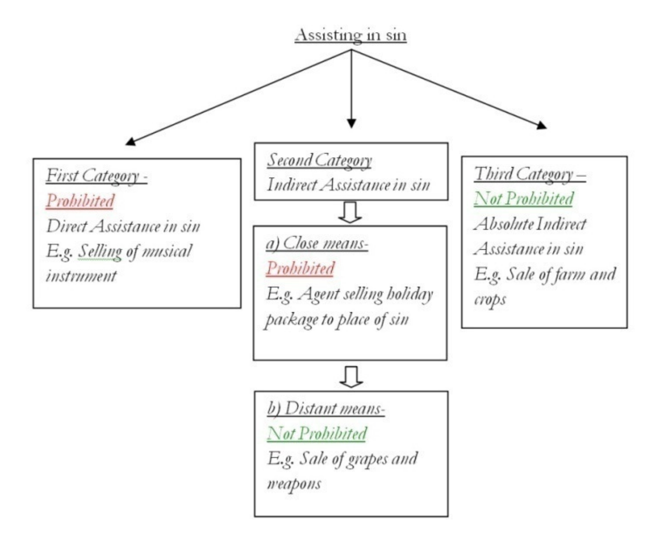
And do not assist in sin and oppression…

(Al Qur'ān 5:2)

Find attached a chart outlining the different categories of assisting in sins.

The third angle is the remuneration from the Bank. Generally the major source of a conventional bank is from interest and other non-Shariah Compliant transactions. Apart from the un-Islamic practice as an internal auditor with the job description explained by you, your remuneration from such a source will also be unlawful, thus

compounding the reason of prohibition in working in a conventional bank.



Why did Allah sent me to this world and test me without my conscent?

Q: I have a weird question but it keeps haunting me. I am unable to understand a simple question that why Allah sent me to this world? In the light of Islamic teachings, this life is considered to be an examination and the after life would be based upon our performance in this world. But, I feel that this is unjust. This examination has been forced upon me. I was never willing to undertake this exam then why do I have to face all this? And what difference would it make for Allah if I pass it or even get failed. Then what is the purpose of all this forced examination? Isn't this a unjust system?

A: It is true that Allah Ta'āla created His creation including you and I without us having any say in our creation. Our creation and existence is the sole decision of Allah Ta'āla. Allah Ta'āla is the One who created us, owns us, and does what He wills. He decides how we live, how we die, what sustenance we get, how much power we amass, and how much honour we get.
In short, every aspect of our life is completely dependent on Him. No creature has the right to question Him: "Why did you do this?" or, "Why didn't you do that?" Allah Ta'āla says in the Qur'ān Karīm:

لا يسأل عما يفعل وهم يسألون

He(Allah) is not questioned of what He does, and they(people) are questioned.

(Surah Al-Anbiya: 23)

As human beings Allah Ta'āla blessed with the privilege to be among the recipients of the Message of the Quran, to ponder on it, to reflect and understand the true meaning of life, and why we are here. If we turn that upside down and instead of thanking Allah, we start complaining about, "Why did you do this to me?" and, "Why have you sent me here?" then that is unfortunate and ungreatful.

It is common knowledge that Allah has honored humans in many ways such as granting us: intelligence, reason, the gift of communication and other capabilities that far exceed those of any plant or animal life forms:

"And we bestowed dignity on the Children of Adam and provided them with rides on the land and in the sea and provided them with a variety of good things and made them much superior to many of those We created."

(Surah Bani-Israil, Verse 70)

The more gifts that are given, the greater the responsibility and accountability. Is that not how the laws of this world work as well? An executive of a company is more accountable than the staff he manages and consequentially the reward (i.e. salary) he receives in return is higher.

Isn't it true that, "Heavy is the head that wears the crown"? Such is the case of man. He has not been given all these gifts to simply live out a meaningless life only fulfilling his base desires like an animal and ignoring the higher purpose for which he was created:

"So did you think that We created you for nothing and that you will not be brought back to Us?"

(Surah Al-Mu'minun, Verse 115)

Our mind, our brain power, and our ability to ponder and reflect should be used in showing our immense gratefulness to Allah. If we fritter it away and waste our energy and brain power in pondering about, "Why did Allah force this on me?" then we are not utilizing our ability to reflect how Allah meant for us to reflect.

Then, instead of our minds becoming a tool of bringing us peace and delight by recognizing Allah Ta'āla, we would then be using it as a tool of evil, to question and doubt the wisdom of Allah Ta'āla, as Satan did when he refused to submit and prostrate to Adam (alayhis salam).

Why did Satan do that? It was because he questioned the wisdom of Allah, and followed his own rationale and

thinking. Satan assumed that fire is better than clay, and therefore he was better than Adam (alayhis salam).

"He (Allah) said: 'What stopped you from prostrating when I ordered you?' He said 'I am better than him. You have created me from fire and created him from clay.'"

(Surah Al-'Araf 12)

By turning to the Quran we realize that the questions you have posed have already been answered by Allah:

"The One who created death and life, so that He may test you as to which of you is better in deeds. And He is the the All-Mighty, the Most-Forgiving."

(Surah Al-Mulk, Verse 2)

Our existence is surely not of our choice. It is the sole choice of Allah. However Allah equipped us with intelligence to recognize Him and be obedient to Him.

He will reward us for being obedient to Him. Why don't we ask, why should we be unjustly rewarded for obedience as Allah Himself gave us the tools for His obedience? The reward of Allah Ta'āla is the grace of Almighty Allah. He rewards us for our obedience to Him with the tools He provided to us. Would it then be incorrect to say why should we be punished for disobeying Him even after being equipped to obey Allah Ta'āla?

Had Allah not given us intelligence and then imposed a test upon us, then that is a different issue. That would be unjust. Allah Ta'ala already declared in Qur'ān Karīm

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

No soul is burdened except according to its ability

(Surah Al Baqarah: 286)

How unjust it is of us not to consider Allah Ta'ala's grace and favours on us!

Disposing Roti/Chapati

Q: What can you do to leftover foods like chapatti etc because you cannot give it to the ducks etc as you will be fined and when you give it to the birds they dont eat it so we give them birds seed.so can we throw it away or not?

A: You may consider crushing the chapati and placing it on the trails of ants.

Calculating Zakat

Q: you've got a house in pakistan 3 floors.Bottom floor has 4 houses on rent and the rest 2 floors is used by my dads family back home. do we have to give zakaat on the rent of those houses as they are extra.

A: There is no Zakat payable specifically on rentals received.

The rentals received will form part of the other cash and the decision of Zakat payable on the cash will depend upon the individual's financial calculation. Broadly, if there is only

cash and no liabilities or the cash exceeds the liabilities, then the cash will be subject to Zakat. You may refer to the attached for further clarity on calculation of Zakat.

Calculating Zakah:

Zakāh will become compulsory on a sane and mature Muslim when his / her wealth exceeds the Nisāb and this amount of wealth is maintained for the duration of one entire lunar year.

The Nisāb is 20 Mithqals (87.479 g) for gold and 200 Dirhams (612.35 g) for silver. Any currency equal to the amount of any of these Nisābs will also render Zakāh binding.

For example, if the price of silver is quoted at R4.40 per gram then the Nisāb will equal approximately R2, 702. If one's wealth decreases below the Nisāb during the year but before the expiry of the year, it reaches the Nisāb, Zakāh will be binding contrary to the case of the wealth not rebounding to amount of Nisāb upon the expiry of the year. However, if one loses his entire wealth, a new lunar cycle will begin after reaching the Nisāb for the second time. All debts and liabilities will be deducted from his wealth before calculating his estate.

Only that particular year's liabilities will be deducted from long-term debts such as car / home financing. Loans given and other receivables into one's estate will be accounted for even if the person is not paid by his debtor for several years. Any gold or silver items such as jewelry, ornaments etc will also form part of Zakatable assets.

If the percentage of gold or silver in the item is more than the metal alloy with which it is amalgamated the entire item will be considered as gold or silver. If the percentage of alloy is greater, if there is enough gold or silver where it is

possible for it to be extracted, then Zakāh will be compulsory only on the value of the gold or silver therein and not on the entire item if the Nisāb is reached.
Similarly, any items purchased for trade will be subject to Zakāh and must be accounted for in the calculation. A person should add his / her cash savings, values of gold and/or silver, value of the merchandise of trade and any receivables from debts etc. Thereafter, he / she should deduct the amount of debts owed to others. If the value of the net total equals the Nisāb of gold or silver, he / she will have to pay 2.5% of the amount in Zakāh.

Hereunder is a brief chart illustrating the calculation of Zakāh:

Personal Wealth	**Amounts:**
1. Amount of Cash and Savings at home or in the bank	R 10,000
2. Current value of any gold and silver jewelry, coins, utensils etc	R 5,000
3. Value of assets and merchandise for trade	R 20,000
4. Receivables and loaned amounts to others	R 5,000
Total these amounts here:	R 40,000

Amount Debts to be paid:	R 20,000
Subtract the total amount of debts for the year from the above amount.	
Nett Total of Zakatable Wealth	R 20,000
if the net total of Zakatable Wealth is more than the Nisab amount then…	
Multiply the nett total by 2.5% (nett amount x 0.025)	R 500

Property Partnership Programme

Q: Can the respected Ulema review the following property partnership agreement to see if it is Islamically valid?

PROPERTY PARTNERSHIP AGREEMENT

This document is to certify that A and his wife B have purchased a home in partnership with C and D for a total of $278,000 on October 1st 2010, of which 75% payment of this property has been made by C and D and the remaining 25% payment of this property has been made by A and B. Therefore 75% of partnership in this property belongs to C and D and the remaining 25% of partnership in this property belongs to A and B.

All partners have agreed to the following:

A and B will occupy the property and reside in it for a total rent of $1000 - (minus) 25% which will be payable on a monthly basis to C and D.

All utilities (hydro, heating etc.) associated with this property will be managed and paid by A and B.

Home insurance of the above mentioned property will be managed and paid by A and B.

City water bill and property tax payments of the above mentioned property will be shared according to the ratio of partnership in the property.

All major expenses/costs/maintenance associated with the above mentioned property will be shared according to the ratio of partnership in the property.

In the case of selling of the above mentioned property, any profit or loss arising due to the sale of the property will be shared according to the ratio of partnership in the property.

The partnership in the above mentioned property shall begin on October 1st, 2010 and shall continue until a mutual agreement is made to terminate this agreement.

A: Our comments are after each clause.

Clause: A and B will occupy the property and reside in it for a total rent of $1000 - (minus) 25% which will be payable on a monthly basis to C and D.

This is unclear. What is meant by 25% payable to C & D. Is it 750 payable to C and D. Be more clear. If so, this is permissible.

Clause: All utilities (hydro, heating etc.) associated with this property will be managed and paid by A and B.

This is correct.

Clause: Home insurance of the above mentioned property will be managed and paid by A and B.

This is incorrect. Home insurance should be in the ratio of the partnership if Home insurance is a legal requirement.

Clause: City water bill and property tax payments of the above mentioned property will be shared according to the ratio of partnership in the property.

The city and water bill will be the full responsibility of A & B. C & D may subsidise A & B if they wish to.

Clause: All major expenses/costs/maintenance associated with the above mentioned property will be shared according to the ratio of partnership in the property.

In principle, expenses pertaining to the actual building and property will be shared in proportion to the partnership. Anything pertaining to utilities and normal use will be for the account of A & B.

Alternatives to Progressive Payments Plan

Q: My brother approached me to finance a load of petrol. I have put a progressive plan in repaying the loan with a profit. He pays back part of the capital with profits and starts using the profit he made to fund his future load. I have settled on the 15% table.

Is this acceptable? The amount is set and nothing increase or decreases with the price of petrol. Below is the table for you to review:

Load number	Capital Balance	Ave price of petrol	Liters bought	Expected Gross Profit	Profit share	Capital repayments
1	600,000.00	8.46	35,460.99	57,446.80	8,617.02	0
2	600,000.00	8.46	35,460.99	57,446.80	8,617.02	60,000.00
3	540,000.00	8.46	31,914.89	51,702.12	7,755.32	60,000.00
4	480,000.00	8.46	28,368.79	45,957.44	6,893.62	60,000.00
5	420,000.00	8.46	24,822.70	40,212.76	6,031.91	60,000.00
6	360,000.00	8.46	21,276.60	34,468.08	5,170.21	60,000.00
7	300,000.00	8.46	17,730.50	28,723.40	4,308.51	60,000.00
8	240,000.00	8.46	14,184.40	22,978.72	3,446.81	60,000.00
9	180,000.00	8.46	10,638.30	17,234.04	2,585.11	60,000.00
10	120,000.00	8.46	7,092.20	11,489.36	1,723.40	60,000.00
11	60,000.00	8.46	3,546.10	5,744.68	861.70	60,000.00
			Your profit @ 15%		56,010.63	

A: According to our understanding, this is how your scheme will work.

You provide R600,000 capital to your brother to finance the petrol. He will sell the petrol and give you 15% of the profit. With that he will pay R60,000 towards the R600,000 loan. The capital is then decreased to R540,000. Again petrol is purchased and the profits are shared at 85% and 15% ratio. Another R60,000 is paid towards the remaining loan of R540,000. The balance R480,000 is carried over for the next cycle until the full R600,000 is paid.

If our understanding is correct, then effectively you are advancing a loan of R600,000 (as also stated in your query) and receiving an excess of R56,010.63 at a 15% rate.

This is prohibited for the following reasons.

The R600,000 is a loan. That is clearly understood from the repayment cycle. Every time R60,000 is paid, the amount from R600,000 is decreased. Hence the excess of 15% R28,005.32 will be *Ribā*.

The *Sharīʿah* Compliant alternative to this is the *Mudārabah* Scheme

Mudārabah

Mudārabah is where you provide the capital and your partner provides the labour and the profit sharing is according to mutual agreement. For example you provided R60,000 capital to your partner. He sells the petrol and you receive a 15% profit. He will receive the remaining 85% profit.

Upon the completion of this *Mudārabah*, if there were profit, you are then entitled to the full return of the capital amount of R600,000. This completes one *Mudārabah* cycle. You may then enter into another separate*Mudārabah* cycle with your partner with the same capital amount or similar amount at the same profit percentage or a new profit percentage.

The second deal does not have any link with the first deal. The difference between this scheme and the one proposed

by you is every consignment is completely separate as opposed to your proposal where R60,000 is subtracted from the previous amount creating a impression of R600,000 being a loan and R30,000 of every subsequent deal as a payment to that loan.

Secondly, should there be a loss for some reason it will be for your account. There is nothing wrong in mitigating the risk to ensure you get the 15% profit. Yes, the concept of guaranteed profit without any risk of loss is incorrect. If this cycle is followed, with the risk of loss in the capital, the end result will be the same if the risk is mitigated all the way down. The 15% profit will be the reward of the risk undertaken.

Another alternative is the *Mushārakah* Scheme.

Mushārakah

Mushārakah is where both parties make a capital contribution and both share the profits at a mutually agreed percentage. We understand your friend does not have capital.

The first consignment could be a *Mudārabah* one where your funds will earn an 85% profit. In the second consignment you could enter into a *Mushārakah* partnership where his 85% profit from the previous deal forms part of his capital contribution and both agree a % of the profit. You could reduce your capital by R60,000 in every new consignment. In this design, if there is a loss, it will be pro-rata the capital contribution. The profit is the reward of the risk undertaken.

Again here, if the risk is mitigated and carefully managed, you could achieve the same or similar end result as what you designed in your progressive payment schedule. The difference is that the alternative here will result in profit that are *halāl*, wholesome and yield *barakah* as opposed to the excess on the guaranteed returned amount of the capital which is *Ribā*.

Working for a betting company

Q: 1) I know that betting is forbidden in Islam. But is working on a betting company as a software engineer is forbidden or bad as well? Last week I had an interview with a company, they are betting company and looking for a software engineer. And I am worried that if I work for such company then will it be violation of any rule of Islam, or not violating of rule but not suggested? Here the hiring company is a betting company.

2) I also saw another job advertisement, the advertising company does not do betting, but they develope software for betting company. Is working for such company is bad as well? Here the company who will hire me is not betting company like question1.

A:

1. At the outset we commend you for your query of earning a halal income. This stems from your deep conscious of Iman. You believe in Allah and His Rasul salallahu alayhi wasallam and Shariah. You are fully conscious of following the laws of Shariah. If you did not

bother of Shariah and earning a halal income, you would never have asked this query.

Rasulullah salallahu alayhi wasallam said,

طَلَبُ كَسْبِ الْحَلَالِ فَرِيضَةٌ بَعْدَ الْفَرِيضَةِ

Earning of Halal income is an obligation beyond other obligations.
(Shu'bul Imān lil bayhaqi #8367 , 11/175)

We make dya that Allah put barakah in your income, Ameen

Reverting to your query,
Betting is haram (completely prohibited). This is expressly prohibited in the Quran.

Allah says,

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا

They ask you regarding wine and gambling; Say in them both is great sin and (although)
there is (some) benefit (in them) for the people but their sin is greater than their benefit.

(Qur'an 2:219)

There are two angles in working for a betting company.

- Developing a software
- Remuneration

If the software will be designed for the specific use of gambling, that is directly assisting in sin.

(Jawāhirul Fiqh, Risālah Iʿānah ʿalal Maʿsiyyah)

Allah Ta'ala says,

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ

And do not assist in sin

(Qur'an 5:2)

If the software is not specifically designed for betting but has dual or multiple purpose and could be used for other permissible things, then generally developing such a software will not be prohibited. However, it is obvious that the betting company will use such software for betting purposes, hence it will not be permissible.

Besides, the issue of developing the software for the gambling company, your salary will be from haram source. That compounds the prohibition.

2. In the second query, you will not be working for a betting company but you will develop a software for a betting company. That too will be regarded as assisting in sin and prohibited.

Extended Warranty

Q: Is one allowed to purchase extended warranty for products. For example, most computers either come with 90 days or a whole year of warranty. However, most

companies offer customers the option to extend their warranty by paying more, is this allowed?

A: If an extended warranty is offered at the time of purchasing an item, the extended warranty will be permissible. The fee for the extended warranty will be regarded as part of the purchase price of the item. It is not permissible to purchase separate and independent warranty as that falls in the category of insurance.

Video Games Rental

Q: Is it permissible to open a video game entertainment centre and are such games permissible?

A: Video entertainment games have many unIslamic factors in them. Apart from the games having music and pictures which are prohibited, the nature of the games offered, for example, karate, shooting, killing, racing, etc. have a potential of raising one's emotions, thus having far reaching negative consequences in many aspects of ones life. Consider the following from the Encyclopedia, 1993-1997 - Microsoft Corp.

"Critics of video games contend that children spend too much time and money on the games and that immersion in the fantasy of video games can have adverse effects on personality maturation. There have also been reports that the flashing graphics can trigger seizures in people who have certain types of epilepsy."

Therefore, it is also not permissible to open a video game entertainment centre and such games are not permissible to play. The income generated from entertainment video machines will, therefore, not be permissible.

Hadith of Dajjal and Jassasah

Q:

Ponder on the info below and ask yourself if this hadith can be true?

It is reported in the book: "Pictorial History of Madinah", written by Dr. Muhammad Ilyas Ghani, on pages 22, 23, and 25 a hadith on Dajjal. The references he has given are from: Sahih Bukhari Hadith No. 1876; from the section 'Book of Strife & Signs of the Hour.' (ISBN- 9960-44-928-9. Printed in 1425 AH / 2004 AD; by Al-Rasheed Printers (Tel: 8368382) Authors Address: P.O.Box 447, Madinah Munawwarah. Kingdom of Saudi Arabia.)

The following questions need answers if what is narrated is true:

1. The Prophet was given the title of AL-AMIN even before he was granted Prophethood. The kuffar of Makkah kept their valuables with him prior, and after he proclaimed his message of Islam- so was there any need for anyone else to vouch for his truthfulness on any issue when he was reciting the Qur'an and people were flocking to the message knowing and understanding the words of the Qur'an were divine? Take the example of Omar, and how he became a Muslim in Makkah years before. This incident of Tamim Dari according to the narrator took place in Madinah when Islam was on the rise. The battle of Badr must have been fought and Muslims were sacrificing their all. Is it believable that verification was still needed by a non Muslim to the truthfulness of the Nabi?

2. The Prophet was receiving wa'hy directly from ALLAH and knew about the munafikoon etc and was informed by ALLAH in the Qur'an when he left Makkah (during Higrah) that ALLAH will bring him back to Makkah, which promise was fulfilled. Also all the other prophecies that were fulfilled in his lifetime of the Romans, Abu Lahab, (and today the truth of the scientific facts, how the creation of human beings in the womb etc). Did the Prophet still need a Christian to vouch for his Prophethood?

3. If any person was confronted by an <u>animal-man</u> like al-Jassasa in a strange country, will he follow him when he was so fearful looking and trust him when he could be killed? Is it not said that he looked as a devil? Would any sane man follow such a fearful looking character?

4. This Dajjal it seems to live without eating and drinking for decades or centuries. According to the narration, he is bound with chains and is all alone except for al-Jassasa. He is in a standing position with leg chains upto his knees and chains around his neck. Surely he must need food and excrete and urinate. Yet it seems he does not eat food, and for how long?, nor does he answer the call of nature it seems. Yet he is powerfully built. Is he a superman? For how long can a human being stand upright like he is, and live without nourishment??

5. This person, Tamim Dari, does not ask Dajjal when he was chained, who chained him, and for how long was he chained, who gives him food and drink. Is that not strange?

6. How is it possible for Dajjal to know about the Prophet when he is in chains thousands of miles away? If anyone claims the Allah informed him will that not be a contradiction that ALLAH communicates with evil as well, then can that be true?

7. The only acceptable answer is that this so called hadith is false!!!!

A: At the outset, we wish to state that our responses to the different objections have been kept as brief as possible.

Otherwise, the objections could be answered from various angles and dimensions. The objections are in the blocks. Our response follows after each objection.

1.) The Prophet was given the title of AL-AMIN even before he was granted Prophethood. The kuffar of Makkah kept their valuables with him prior to, and after he proclaimed his message of Islam- so was there any need for anyone else to vouch for his truthfulness on any issue when he was reciting the Qur'an and people were flocking to the message knowing and understanding the words of the Qur'an were divine? Take the example of Omar, and how he became a Muslim in Makkah years before. This incident of Tamim Dari according to the narrator took place in Madinah when Islam was on the rise. The battle of Badr must have been fought and Muslims were sacrificing their all. Is it believable that verification was still needed by a non Muslim to the truthfulness of the Nabi?

1.) If Rasulullah salallahu alayhi wasallam was *Al-Ameen* and there was no need for anyone to vouch for his truthfulness, then why was there objection to his claim of prophet-hood from the very people who knew him as *Al-Ameen*? All the enemies of Rasulullah salallahu layhi wasallam knew Arabic. When Rasulullah salallahu alayhi wasallam was reciting The Qur'ān, they could have understood The Qur'ān and accepted Islam!

Furthermore Hazrat Tamīm Dāri radiallahu anhu had already accepted Islam when he narrated the incident. It was not a testimony of a non-muslim to the truthfulness of Nabi salallahu alayhi wasallam. It was a revert testifying.

Nevertheless, testimony of the truthfulness of Islam by people of other faith who convert to Islam merely support and consolidate the belief of the believers and further demonstrates the nobility and truthfulness of the Message of Islam.

If we were to take the assumption you have taken, then even the miracles of Rasulullah *salallahu alayhi wasallam* (*Muʿjiza*) would not have been necessary as he was known to be Al-Amīn. (The trustworthy one) Then according to your claim, the incident of *Shaqqul Qamar* (splitting of the moon) which is expressly mentioned in the Qur'ān is insignificant? If people believed in Rasulullah *salallahu alayhi wasallam* then what was the need for the incident of the splitting of the moon? Would you deny this too?

Allah Ta'ala himself says,

اقْتَرَبَتِ السَّاعَةُ وَانْشَقَّ الْقَمَرُ

The Hour (of Judgment) is nigh, and the moon is cleft asunder.

(Surah Qamar 54:1)

2.) The Prophet was receiving wa'hy directly from ALLAH and knew about the munafikoon etc and was informed by ALLAH in the Qur'an when he left Makkah (during Hijrah) that ALLAH will bring him back to Makkah, which promise was fulfilled. Also all the other prophecies that were fulfilled in his lifetime of the Romans, Abu Lahab, (and today the truth of the scientific facts, how the creation of human beings in the womb etc). Did the Prophet still need a Christian to vouch for his Prophethood?

2.) The first premise of this objection is based on a Christian vouching the truthfulness of prophet-hood of Rasulullah salallahu alayhi wasallam. We have clarified this issue in the previous answer. Hazrat Tamīm Dāri radiallahu anhu had already accepted Islam and then narrated his experience. He was not a Christian vouching for the truthfulness of the prophet hood of Rasulullah salallahu alayhi wasallam. Simple logic also has it that why would he still be a Christian then? This premise is miscalculated.

The second premise of this question is based on whether these miracles were for Rasulullah salallahu alayhi wasallam to fortify his Prophethood. This can never be correct since Rasulullah salallahu alayhi wasallam had full conviction of his prophethood. His fortification was even made by the mala'ikah. He did not need anyone to vouch for his prophet hood.

Miracles of the prophet are called Muʿjiza which means to make helpless. It is human nature that when one experiences something extra ordinary he is amazed and is sure that there is a supernatural power behind this incident. A miracle is something a human being witnesses with his own eyes but cannot mentally comprehend the issue. It is impossible for a human being to perform such a miracle by himself. The greater the impossibility of the incident, the greater the miracle. When the incident of Tamīm Dāri is authentically proven and he being a Sahabi narrates this incident himself, this is not to vouch for the prophethood of Rasulullah salallahu alayhi wasallam.

Rather, Rasulullah salallahu alayhi wasallam stated this incident to illustrate how a person once a Christian also believed in him. This is similar to how Allah Ta'āla refers to the Islam of Abdullah ibn Salam radiallahu anhu, who followed Judaism and accepted Islam. Did Allah need Abdullah ibn Salam radiallahu anhu to vouch for the prophethood of Rasulullah salallahu alayhi wasallam?

"...And a witness from the children of Israil testifies about something similar to it
and comes to believe in it while you persist in your arrogance"
(Surah Al-Ahqaf, Verse 10)

3.) If any person was confronted by an <u>animal-man</u> like al-Jassasa in a strange country, will he follow him when he was so fearful looking and trust him when he could be killed? Is it not said that he looked as a devil? Would any sane man follow such a fearful looking character?

3.) In the description of the events related by Hazrat Tamim Al-Dari (radiyallahy anhu), he readily admits that he and his party were afraid:

وفزعنا منها

And we were scared of her (Al-Jassasah)
(Muslim Shareef)

Being afraid does not mean that it did not happen. If an innocent civilian is taken as a prisoner and he is literally stripped naked, kicked and booted from head to toe, then ordered by soldiers dressed with armours and helmets carrying machine guns pointing at him to march into Guantanamo prison, is that not frightening enough? Does it mean prisoners were not persecuted and imprisoned in Guantanamo? Does it mean the prisoners didn't follow instructions of the Al-Jassasah (heavily armed soldiers)?

Talking and conversing with a beast is not impossible. Allah himself tells us about human beings talking to a beast:

And when the Word (of torment) is fulfilled against them, We shall bring out from the earth a beast to them, which will speak to them because mankind believed not with certainty in Our Ayat.
(Surah Al-Naml Verse 82)

Will you deny this verse too?
4.) This Dajjal it seems to live without eating and drinking for decades or centuries. According to the narration, he is bound with chains and is all alone except for al-Jassasa. He is in a standing position with leg chains upto his knees and chains around his neck. Surely he must need food and excrete and urinate. Yet it seems he does not eat food, and for how long?, nor does he answer the call of nature it seems. Yet he is powerfully built. Is he a superman? For how long can a human being stand upright like he is, and live without nourishment?

4.) The premise of this objection needs to be clarified. Is the objection on the incident of Hazrat Tamīm Dāri radilallahu anhu or the objection on Dajjāl. It now appears that the goal post is shifting from the incident of Hazrat Tamīm Dāri radilallahu anhu to Dajjāl and questioning whether Dajjal has supernatural powers. Is he Superman?

This is now questioning the power of Allah. Can Allah not give supernatural power to human beings? Did the youth of the cave not survive without food for 309 years?

وَلَبِثُوا فِي كَهْفِهِمْ ثَلَاثَ مِائَةٍ سِنِينَ وَازْدَادُوا تِسْعًا

So they stayed in their Cave three hundred years, and (some) add nine (more)

(Surah Al Kahf, 18:25)

Did Allah not raise Uzair a.s after 100 years and the food besides him didn't perish!

أَوْ كَالَّذِي مَرَّ عَلَىٰ قَرْيَةٍ وَهِيَ خَاوِيَةٌ عَلَىٰ عُرُوشِهَا قَالَ أَنَّىٰ يُحْيِي هَـٰذِهِ اللَّهُ بَعْدَ مَوْتِهَا فَأَمَاتَهُ اللَّهُ مِائَةَ عَامٍ ثُمَّ بَعَثَهُ قَالَ كَمْ لَبِثْتَ قَالَ لَبِثْتُ يَوْمًا أَوْ بَعْضَ يَوْمٍ قَالَ بَلْ لَبِثْتَ مِائَةَ عَامٍ فَانْظُرْ إِلَىٰ طَعَامِكَ وَشَرَابِكَ لَمْ يَتَسَنَّهْ وَانْظُرْ إِلَىٰ حِمَارِكَ وَلِنَجْعَلَكَ آيَةً لِلنَّاسِ وَانْظُرْ إِلَى الْعِظَامِ كَيْفَ نُنْشِزُهَا ثُمَّ نَكْسُوهَا لَحْمًا فَلَمَّا تَبَيَّنَ لَهُ قَالَ أَعْلَمُ أَنَّ اللَّهَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

Or (take) the similitude of one who passed by a hamlet, all in ruins to its roofs. He said: "Oh! how shall Allah bring it (ever) to life, after (this) its death?" but Allah caused him to die for a hundred years, then raised him up (again). He said: "How long didst thou tarry (thus)?" He said: (Perhaps) a day or part of a day." He said: "Nay, thou hast tarried thus a hundred years; but look at thy food and thy drink; they show no signs of age; and look at thy donkey: And that We may make of thee a sign unto the people, Look further at the bones, how We bring them together and clothe them with flesh." When this was shown clearly to him, he said: "I know that Allah hath power over all things." (Surah Baqarah 2:259)

Did not Allah keep Prophet Yunus (alayhis salam) alive in the belly of a whale for a number of the days and that too in the dark, deep depths of the sea?

وَإِنَّ يُونُسَ لَمِنَ الْمُرْسَلِينَ... لَلَبِثَ فِي بَطْنِهِ إِلَىٰ يَوْمِ يُبْعَثُونَ

And behold, Yunus was indeed one of Our messengers… He would have indeed

remained inside its belly (the fish) till the Day of Resurrection.

(Surah As-Saaffaat 37:139,144)

There are innumerable authentic Ahadith proving that Dajjāl will be given supernatuaral powers. If you deny this then tell us what will be the purpose of Dajjāl and how will be achieve this?

5.) This person, Tamim Dari, does not ask Dajjal when he was chained, who chained him, and for how long was he chained, who gives him food and drink. Is that not strange?

5.) Hazrat Tamīm Dāri radilallahu anhu was an intelligent person. He witnessed something unusual. He accepted it as an unusual occurrence. It is not prudent to ask usual normal questions in an abnormal situation.

In the incident of the youth in the cave when the representatives of the king visited the cave, he did not ask, who made you'll sleep? How long your'll slept? How were your'll nourished without water and food? It is understood that it was an abnormal situation. Normal questions are not asked in such a situation.

6.) How is it possible for Dajjal to know about the Prophet when he is in chains thousands of miles away? If anyone claims Allah informed him, will that not be a contradiction that ALLAH communicates with evil as well, then can that be true?

6.) The premise of your objection is, if Allah informed Dajjal about Rasulullah salallahu alayhi wasallam "thousands" of miles away, essentially Allah communicated with evil!

Is Shaytan not the epitome and peak of evil? Yet communication of Allah with evil Shaytan is clearly in the Qur'ān.

قَالَ فَاخْرُجْ مِنْهَا فَإِنَّكَ رَجِيمٌ () وَإِنَّ عَلَيْكَ اللَّعْنَةَ إِلَى يَوْمِ الدِّينِ () قَالَ رَبِّ فَأَنْظِرْنِي إِلَى يَوْمِ يُبْعَثُونَ () قَالَ فَإِنَّكَ مِنَ الْمُنْظَرِينَ

(Allah) said: "Then get thee out from here; for thou art rejected, accursed."And the curse shall be on thee till the day of Judgment."(Iblis) said: "O my Lord! give me then respite till the Day the (dead) are raised." (Allah) said: "Respite is granted thee. (Qur'ān Surah Hujr 15:34-39)

A little knowledge of The Qur'ān would have guided you to this!

If your objection is based on Dajjal being "thousands" of miles away, how could he know about Rasulullah salallahu alayhi wasallam.

In your second objection, you faithfully refer to scientific facts. You seem to have faith in technology. If it is impossible for Dajjal to know about Rasulullah salallahu alayhi wasallam thousands of miles away, how is it possible for birds and insects to merely sense a seismic earthquake whereas the distance between the crust of the earth and a flying bird is literally more than thousands of miles apart!

To be more contemporary, how is it that a military send drones to Libya and mann everything live from thousands of miles away? How does one receive live information of what is happening in Libya or for that matter in the furthest part of the globe? Is the supernatural powers given to Dajjal, a human being, any lesser than the power of detection in a lifeless drone! Ponder!

In conclusion will you dispute Shaitan having the virtue of Ayatul Kursi and informing Abu Huraira radiallahu anhu! Who informed Shaytan of this? It would not be surprising if you reject this Hadith as well! Is Shaytan not an evil like Dajjal. Who told Shaytan about Ayatul Kursi and its virtues?

7.) The only aceptable answer is that this so called hadith is false.

7.) Without studying hadith and becoming an expert in it, one cannot declare a hadith to be false. It's like someone denying the existence of other planets besides Earth because they have not had the opportunity to see them through a telescope. Just because it's out of our "field of vision" doesn't mean others have not put in the hard and dedicated work to verify it.

What is the premise of this conclusion? "The authenticity of a hadith is judged based on ones intellect". This is very dangerous. This is also what led to the spiralling fall of the Shaitaan. He used his limited intellect to question the clear order of Allah. Here too, the hadith is authentically proven.
If a hadith is authenticated by such illustrious specialists such as Imam Muslim who spent his life dedicated to this field and was terrified at the thought of attributing something falsely to the Prophet *salallahu alayhi wasallam* as all our pious muhadditheen were then we will only be ruining our Hereafter by rejecting authentic hadith.
This hadith is authentic because....

a.) It has been rated as an authentic hadith by Imam Muslim (rahmatullahi alayhi).

b.) It has been rated as an authentic hadith by Imam Tirmidhi (rahmatullahi alayhi) in his collection under the "Book of Trials", hadith #2253 under the title "Chapter of the Hadith of Tamim Al-Dari about the Dajjal."

c.) View of Master Muhaddith Imam Hafiz ibn Hajar Al-Asqalani (rahmatullahi alayhi):

The master muhaddith, Imam Ibn Hajar Al-Asqalani who had the privilege of writing the widely acclaimed commentary on Imam Bukhari's Sahih has written in his monumental work "Fath Al-Bari" that this hadith has been narrated by a number of different Companions in addition to Fatimah bint Qays such as Abu Huraira, Mother of the Believers A'isha and Jabir (May Allah be pleased with all of them) and it is not an isolated hadith.[4]

d.) View of Master Muhaddith Hafiz ibn Abdul Barr (rahmatullahi alayhi):

A scholar of such encyclopedic knowledge that he wrote a book listing every single person who had every met our beloved Prophet *salallahu alayhi wasallam*. He wrote in his book "Al-Istidhkar" that the narrations that come to us from Fatimah bint Qays (radiyallahu anha) through the

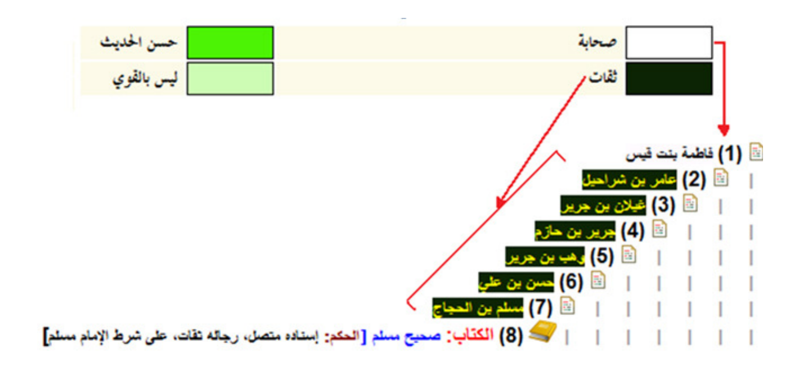
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[4] وقد توهم بعضهم انه غريب فرد وليس كذلك فقد رواه مع فاطمة بنت قيس أبو هريرة وعائشة وجابر اما أبو هريرة فأخرجه احمد من رواية عامر الشعبي عن المحرز بن أبي هريرة عن أبيه بطوله وأخرجه أبو داود مختصرا وبن ماجة عقب رواية الشعبي عن فاطمة قال الشعبي فلقيت المحرز فذكره وأخرجه أبو يعلى

من وجه آخر عن أبي هريرة (فتح الباري شرح صحيح البخاري، ١٣ / ٣٢٨، دار المعرفة)

Tabi'ee Imam Aamir ibn Sharaheel Al-Sha'bi (rahmatullahi alayhi) are established and authentic.[5]

e.) Looking at the narrators of the chain of this hadith we find that the muhadditheen have accorded all the narrators as "*thiqa*" which means "reliable/trustworthy" in narrating this hadith from each other until the chain reaches the Sahabiyah Fatimah bint Qays (radiyallahu anha). Please kindly see attached chart below for details:



[5] وفي حديث الشعبي عن فاطمة بنت قيس حديث الجساسة في صفة الدجال أعظم إنسان رأيناه خلقا وأشده وثاقا وفي حديث الزهري عن أبي سلمة عن فاطمة بنت قيس في ذلك فإذا رجل يجر شعره مسلسل في
الأغلال ينزو فيما بين السماء والأرض وهذه كلها آثار ثابتة صحاح من جهة الإسناد والنقل
(الاستذكار، باب ما جاء في صفة عيسى بن مريم عليه السلام والدجال: ٨/ ٣٣٣ دار الكتب العلمية)

Ijarah financing

Q: I had taken a loan amount of Rs. 350,000/- from an individual for construction of our home. My home value in local market is about Rs. 800,000/- Now I want to pay the full amount of loan Rs. 350,000/- immediately to that individual through any Islamic bank, and than I will pay to the bank in monthly installment. What is the criteria in Islamic banking for this kind of problem, is any solution available in the sharia that I can pay the loan full amount to that individual through Islamic bank.

A: As understood from your query, you want a loan the amount of Rs 350,000 from an Islamic Bank and you will pay back the loan to the bank in monthly installments. The concept of Ijarah can be applied to achieve this.

The method of this is in step processes are thus:

1. The client sells a percentage of his house equivalent to Rs. 350,000 to the Bank, let say 40%. Now the Bank and the client are joint partners in the ownership of the house. The client owns 60% of the house and the Bank owns 40%.

2. Thereafter the Bank can charge the client rent for the usage of the Bank's portion of the house. A monthly rent can be fixed by the mutual agreement of the Bank and the client in regards occupancy of the 40% owned by the Bank.

3. Thereafter the portion of the Banks ownership can be divided into 4 units each representing 10% of ownership of

the house. The client can promise the bank that he will purchase one unit after ever three months, six months, year, etc. Accordingly, he will purchase another 10% of ownership of the house from the Bank by paying 1/10 of the price of the house. It will reduce the share of the Bank to 30% and increase his share to 70%. Consequently, the monthly rent will also decrease since the portion of the Bank is less now. This process will continue until the client becomes the sole owner of the house again. This method allows the client to regain full ownership of the house and allows the Bank to receive a profit upon their original Rs. 350,000.

The laws of Ijaarah should be kept in mind.

Q: I am always worried about paying debts. What is the solution?

A: It is narrated on the authority of Abu Saeed Khudri radiallahu anhu that a man said, "Oh Messenger of Allah, Worries and Debts have overcome me".

Nabi sallahu alayhi wasallam said "Should I not teach you a Dua, if you say it, Allah will remove your worries and fulfill your debts." The man said, "Yes".

Nabi sallahu alayhi wasallam then said, "Say when you awake in the morning and at evening:

اَللَّهُمَّ إِنِّيْ أَعُوْذُ بِكَ مِنَ الْهَمِّ وَالْحُزْنِ
وَأَعُوْذُ بِكَ مِنَ الْعَجْزِ وَ الْكَسَلِ

وَأَعُوْذُ بِكَ مِنَ الْبُخْلِ وَالْجُبْنِ
وَأَعُوْذُ بِكَ مِن غَلَبَةِ الدَّيْنِ وَقَهْرِ الرِّجَالِ

Oh Allah I seek your protection from grief, and I seek your protection from incapability and laziness and I seek your protection from miserliness and cowardice, and I seek your protection from being overpowered with debts and being overpowered by man.

The man said, "I made this dua, then Allah removed my grief and fulfilled my debts"

(Mishkaat Pg 215)

Warranties on Appliances

Q: My question is regarding warranties on appliances are we as Muslims allowed to take out warranties on appliances e.g. I bought a vacuum cleaner which initially came with a two year guarantee after the guarantee expires I have the option to take out a further 3 year warranty, it is my understanding that most warranties today are premium based, similarly another appliance I have, offer the same warranty under the same conditions, in most high street outlets they use the same insurance company(Domestic and General) for all their products and they use this to their advantage as they set the cost of a unwarranted appliance very high so as to entice you to take up a extended warranty when purchasing the appliance - this is a big problem for Muslims in the uk as many people feel they have no option but to take up this 'offer' not realising whether it is permissible under the rules of Islamic Sharia - I have not purchased any extended warranties because I am doubtful as to whether this is permissible. I am deeply concerned because many Muslims

take out 3/5 year warranties out not realizing the warranty could or is haram!

A: It is permissible to take out a warranty at the time of sale. For example, if an appliance came with a two year warranty, it will be permissible to buy that appliance. Similarly, if an appliance comes with a basic one year warranty, but the company extends the warranty to 5 years if an additional sum of £20 is paid, then too it will be permissible to buy that appliance, on condition that the extension of the warranty was done during the sale. The extra £20 will be added on to the price of the appliance, and the total will be regarded as the cost of the appliance.

Jadīd Fiqhi Masā'il Vol:1 Pg:387 (Kutub Khana Na'eemiyah)
Taqrer-e-Tirmidhi Vol:1 Pg:108/9 (Memon Islamic Publishers)

However, if the extension of the warranty is done after the sale, or it is done in a separate transaction, other than the sale, then the taking out of such a warranty will not be permissible, as the extra amount paid cannot be regarded as the cost of the appliance. The extra amount in this case is in lieu of the service which may or may not be provided. The Islamic scholars have explained that such a transaction will be termed as بيع الغرر (*bai 'ul gharar*), and Nabi (Sallallahu Alaihi Wasallam) has forbidden baiul gharar, as understood from the hadith below:

نهى رسول الله صلى الله عليه وسلم عن بيع الغرر

Jami' Al Tirmizi Vol:1 Pg:233 (H.M. Sa'eed Company)
Taqrer-e-Tirmizi Vol:1 Pg:99 (Memon Islamic Publishers)

Reminder of Salah Makes my husband angry!

Q: My husband is loving and caring, but when it comes to the topic of salah he intentionally neglects it. And if I keep on advising him on salah and remind him he get angry about it.

He feels that I am trying to control him and tells that ho knows all those thing and am not needed to tell it again and again. I am keeping on asking dua to make him a good Muslim, who is regular in his prayers. But I feel bit scared of keeping on advising him on prayers because at the end it turn it to an argument. Same issue comes when it comes to music. And he is so addicted to it. Can u please advise me how to bring him in to the track of prayer and please do ask dua to make love in his heart on salah.

A: Jazakillah for writing to us requesting some help. Please do forgive me for the delay in responding to your query.

Sister, you have been correct in trying to help your husband to make his connection with the deen of Allah Ta'ala. I empathise with you in this situation as it must be painful and difficult for you to remain silent when your husband does not turn to His Creator in gratitude. Since you say that he becomes angry, have you thought of other ways in which to encourage him to set himself free from the trap of shaitaan?

I am sure you realise that he is very much a victim of his own nafs and under shaitaan's control. As a wife, you feel it

is our duty to help him to change. Allow me to make a few suggestions. If you have a receiver, turn on the adhaan so that he hears it every time he is at home. (At the same time, don't tell him anything.)

You could perhaps start playing Surah Yaseen early in the morning after fajr salaah so that he can hear it. Make a point of turning on (a C.D.) "Para a day" from the Quran in his presence. Insha'Allah, listening to the Quran may soften his heart.

Channel Islam and Radio Islam are beamed all over the world via satellite radio and via audio streaming from South Africa. Hundreds of people from all over the world write in to say how their lives have changed through listening to these radio stations. Insha'Allah, it will have the same effect on him in time. Make a point of collecting literature on Islam , salaah, love of Allah Ta'ala and even from revert Muslims and leave it at strategic places in the house so that he reads it. Make a point of remaining silent and do not make any comments or suggestions even if he makes any negative comments. Make sure you read the literature yourself and encourage your family to do so also. If possible, start madrassa classes in your home. Increase your zikr, istigfar and duas. Offer a small amount of charity on your husband's behalf and do remain patient with him Try to welcome him home every day with a smile and Insha'Allah your duas will be accepted. Make sure your children and the rest of the family are punctual with their salaah too.

May Allah Ta'ala grant all of us the tawfeeq to be obedient

to His commandments and to be steadfast with our salaah always. May He also make our salaah a means of salvation from the punishment of the kabr and the aagirah, ameen. You may write again if you wish to do so.

Are you troubling your wife or is she?!

Q: My question relates to the Husband - Wife relationship and is as follows:

I am married for 30 years. Neither I, nor my wife have had extra marital relationships. Our relationship Alhamdulilah began with and remained in Nikaah. My concern is what I perceive to be an "exaggerated sense of modesty" on the part of my wife. From the onset of our marriage, love and sex were things "that she would submit to" rather than a mutually enjoyable experience. I overlooked this on an ongoing basis in the hope and belief that Allah SWT will reward me in other ways. I have also overlooked and accepted many other aspects of her in the same belief. Alhamdulilah, we have six Masha Allah children from this.

I am now 60. I am rationed sex as she deems fit. A third of the month she would have her menses, a third of the month she would have some "ailment" and the remaining third she would not be in the mood for love. Sex is just that - a means of release with no reciprocal love. Our lives revolve around the upbringing of our children.

I have raised the matter with her parents - they merely brush me aside telling me I am very lucky to have a wife like

her. She donned the Niqaab when I expressed my intention to marry a Niqaabi as I was intrigued by them. I have even asked her parents to take her for counselling. I have never uttered Talaaq even when provoked by her mother. She is living in a comfort zone - knowing that I will not divorce her out of fear of dis pleasing Allah SWT and the fact that a second wife carries a stigma in our society. I cannot kiss her without being pushed away. By the way, we live in a comfortable home with en suite facilities and good privacy.

The same goes for sex - she has to show that I am in need and she is merely submitting. We cannot stray from the Missionary position. With age I know that I may weaken and need more of my wife's help. I have thought of seeking assistance but have shied away in the knowledge (my limited knowledge) that a second marriage is the only way out. Maybe the competition would spur her to reflect on her behaviour? My reason for not threading this path to be frank is the Quranic injunction to treat your wives equally.

How do I treat two wives equally when one is the mother of my four children while the other is "unequal"? How do you find a moral and at the same time Loving wife? How do you find Psychological compatibility without straying from the boundaries of Islam? Maybe I am totally wrong in my thinking and this is why I raise these questions in this forum.

A: Jazakallah for your email. We respect your request for anonymity on this forum. Should we post this query on site for the benefit of people experiencing similar problems as

you, we will change the main characteristics of the query to maintain anonymity.
Brother, you state you are an introvert. You are married for 30 years, and now you are 60. Your have difficulty with your wife's "exaggerated sense of modesty". She simply submits rather than "it" being mutual. "It's" not a one sided thing. You have brought up the issue with your wife and inlaws. The matter is still the same.

You have suggested taking a second wife but also have concerns. Your concerns are valid. Furthermore, should you take another wife, what guarantee you have that you get what you want? The issues you have raised can only be experienced during intimacy. There is no measure to determine how a woman is going to perform. Furthermore, if she does, for how long? Would you want to enter such a gamble? You may be the unique and fortunate one to pick the right "toy" from the "lucky packet"! Then too the apprehension of her not maintaining her active performance is still there. It will be a real nightmare for you if you picked a "wrong" or "cheap" toy in the lucky packet. You will have so much to lose after 30 years of investing in a wife and 4 beautiful children. The pain and frustration you will experience in pursuit of your intimate needs will make your needs insignificant and in fact bitter. You will then realize you were better off as you were with someone merely submitting **even** for a **third** of the month. In any event that too was going to completely die off. As one person put it- I came out from the pot and directly into the frying pan. Surely that is not what you need at this age.

Brother, you are not alone in this quagmire. This is a common problem. Apply the rule of اهون البليتين (lesser of the two evils). Non-cooperation of the wife is unfortunate if not bad, but the challenges of a second wife are huge if not greater evil.

The only way to overcome your difficulty is to condition your mind to accept your wife as she is. Allah chose her for you. Make do with her as she is and be content. Focus of the positives in her and overlook the negatives.

It is precisely for this reason Allah Taala said:

عَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ

Maybe you dislike something of her whereas that is better for you.

(Qur'an 2:216)

When you experience the pain of rejection or being pushed away from her, it is definitely not in vain. You approached her for you haqq but was denied or she simply submitted. Surely not as you wanted.

What can you do about it? How do you give vent to your anger and frustration. In most instances, if you do, the problem turns out to be bigger and mightier. It is such a private issue that you cannot easily talk to anyone about it.

The pain you experience with the very limited avenues to give vent to your pain is enormously rewarding in the court of Allah. A husband who overlooks this aspect of his wife for the pleasure Allah is rewarded with Shahadah. A

mujahid goes in the path of Allah and bears physical and emotional pain for the pleasure of Allah. There is nothing he can do to give vent to his pain, It is for the pleasure of Allah. He actually experiences the halawat and sweetness of Ieman in this pain, This sweetness has a totally different taste. Similarly, if you bear the emotional pain of not fulfilling your base desires for the pleasure of Allah, you too will be considered a mujahid. During that emotional pain, be patient, turn your heart to Allah and experience the sweetness of Ieman. The enjoyment of that feeling surpass the physical enjoyment of intimacy.

While you may be focusing on what she is not, she too may be focusing on what you are! Put yourself in her shoe. It is possible she maybe put off due to your approach and attitude at some time of the other. Women are sensitive and to them physical closeness is not as important and invigorating as emotional closeness that comes with the right approach and conduct. It is also possible she is going through hormonal imbalance due to her age. Shukr she is letting you have her for even 1/3. Generally when men experience physical imbalance, they can't even give that much. How is it expected of a woman to do in such a situation? A man too must understand and contain himself.

You state you are 60 and with age you will weaken and you may need wife's assistance. As that time, the tables could turn around. She may be the one that will get frustrated and complain about you. How would you expect her to react? She will respond to your weaknesses as you responded to her weaknesses. It's just a matter of time. Now it's your turn

to tolerate. Tomorrow it'll be her turn. If you tolerate her faithfully, it is hoped she will reciprocate.

Make shukr your wife at least submits to you. The fact that she does not deny you all the time is proof enough of her sensitivity to you. She is fully aware you are a man and you have your needs. Your problem is you need to stray from the missionary position of merely releasing and want her to reciprocate.

You imply that your wife is loyal but not loving. Why do you narrow your concept of love to physical love? There are so many other avenues of love expressed by your wife. She bore you six children. She bore all physical burden of pregnancy by herself. She surely did it for you as she could have avoided pregnancy with the various options available to her. She is a means of multiplying your avenues of loves six times more.

If you overlooked your wife ever since for her mere missionary response for the pleasure of Allah, then there is all more reason for you to adopt that attitude now. A woman's body and reaction is never same after six pregnancies. Her body is exerted to the maximum especially with all the demands and challenges of raising 6 children and a "wanting" husband.

Now is the real test of your intention to overlook her for the pleasure of Allah. It is that time of your life where physical love ought to be transformed to emotional love as Allah Himself says: "مَوَدَّةً وَرَحْمَةً" (love and mercy).

In conclusion, I wish to point out that in everything of our life, Allah nurtures us. Allah is our Rabb. Rabb means to nurture. Allah wants to make us near and dear to Him. He puts challenges in our lives and when we feel bitter with our closest ones, we realize that is not the love to be trusted.

We turn away from all such temporary forms of love and pleasure and attach ourselves to Allah, the ultimate love.

This is how, we as believers think and see the different challenges of life. When we realize this point and note our gradual closeness to Allah, we accept all pain as the reward of the closeness to Allah is eternal and everlasting. It is unparalleled love, not just physical, not just emotional. It is real. It is only tasted with the heart of strong Iman!

Have mercy for your wife. She too will have mercy for you. Allah's reward to you will be His mercy.

We commend you for your objective thinking and your courage to raise this issue which will be a source of guidance for many people like you and a solace for many women. You question was the means for this guidance.

Consulting Work based on commission

Q: I run a consulting business and recently met a woman who works for a govt department. She informs me that she is starting her own business in the same field as mine and has managed to secure some contracts and work from clients that she would like me to assist her with – this would

mean that she would sub-contract the work out to me.

In addition, the dept she works in has a lot of work - she can secure this work but cannot directly do the work through her company as this is a conflict of interest. She approached me and said that she will send the work to me, (I execute it) but then I should pay her a commission of 10%. Would an agreement of this nature be deemed haraam? Please can you advise.

A: Our understanding of the situation is:

- The woman in reference works for a government department.
- She will open a consulting business as you have.
- It appears she can secure work from her employment at the government department and refer the work to you.
- She cannot offer the service as that is conflict of interest between her employment and business.
- She will sub contract the work to you at a 10% commission basis.

If our understanding of the issue is correct and reflects the reality of the matter, then our observations are:

- If it is a conflict of interest for her to service the clients directly and her employment does not permit that, it is also a conflict of interest for her to refer clients to you and get a "kick back" of 10%.
- There is no contract between her and the clients. The issue of subcontracting to you does not feature. She simply refers clients to you.

• Hence, the only obvious outcome is she does you a favour and refers clients to you and expects a monetary favour in return. This is clearly bribery and not permissible. If there is a bonafide contract between the woman and the clients, then clarify in detail.

Percentage Fee from the Bank

Q: We currently have a an account with one of our suppliers, Engen Petroleum for monthly fuel charges for our delivery vehicles.

Our Petrol Station requires a guarantee say R120,000 for this credit facility. A Bank is willing to guarantee this debt as we have an Islamic finance account with their Bank. The Bank also requires no additional security for this guarantee facility, which they will offer us.

However they are charging us an establishment fee of 1.24% and the same charge every 6 months thereafter. This facility may be terminated upon three months notice. I was advised by the bank officer that this is a bank charge.

Will this charge be acceptable in terms of the Shariah and is there any element of RIBA in this?

Your advice will be greatly appreciated. May Allah reward you, Aameen.

A: The 1.24% change by the Bank is in lieu of the surety. Such a charge is not valid. Furthermore, if the Bank pays the debt, you will have to repay the debt with interest.

Therefore, this arrangement is not Shariah Compliant. We do not understand how this is a bank charge. What service does the bank provide to justify this charge?

Calculating Labour Price

Q: How does one calculate a labour price according to shariah.

Let's say I fix cars, what I would charge for fixing an old car wouldn't be anywhere near to what I would charge for say a porche. Would this be permissible?

A: Labour pricing will be according to the general market rate for the service provided; service quality (professionalism), turn-around time (efficiency), intricacy of the work, and the other basic factors will effect the pricing structure. Therefore, charges levied for servicing a Porche in relation to an old care could be higher when influenced by these factors.

Furthermore, as a Muslim, the character and ahadith of Rasulullah (Sallallahu Alayhi Wasallam) exhorts us to consider one more factor in the pricing, and that is to be a well wisher for the consumer, i.e. looking into his best interest also. Greed should never overtake our emotions and pockets, nor should we be opportunists waiting to capitalize on the consumer's desperation for the work or his naivety about the pricing. Well wishing and fairness should be our guide and in this way we will certainly secure barakah (the happiness and blessing of Allah) in our earnings.

Renting out with conditions

Q: I will appreciate it if you could please assist me with checking if the following arrangement is correct according to our Shariah :

1. I own a townhouse which I had bought to earn rental income.

2. Because of various factors, I find it convenient to enter into an arrangement with Zaid on the following terms:

2.1 Zaid will rent the townhouse from me for a fixed amount of R2,500 per month for a negotiated period.
2.2 We will enter into a standard lease agreement as commonly used for residential purposes.
2.3 This lease agreement will stipulate that Zaid is additionally responsible for:
2.3.1 All repairs and maintenance excluding repairs for damages caused by fire or natural occurrences like floods, earthquakes etc.
2.3.2 All levies, special levies and rates and taxes.
2.4 At the end of the lease term, Zaid will return the townhouse to me free of defects, fair wear and tear excluded.
2.5 Should we wish to continue or cancel this arrangement, then each party will give the other 120 days notice.

3. Zaid has the expertise to find tenants, administer the rental collection, upkeep the premises and liaise with the body corporate etc as a result of which I agree that he be

allowed to on let the premises for whatever rate he deems fit. I am aware that in the complex, these units are let out for about R5,000. By Zaid doing so, I am aware that after paying me the monthly rental of R2,500 as well as paying the levies etc, he will be left with a surplus. I feel he is entitled to this surplus as it saves me a lot of inconvenience.

4. Zaid does not want to enter into the normal rental collection arrangement as used by estate agents where they collect the rent on your behalf, pay your accounts, deduct their negotiated commission and pay over the balance to you.

In consideration of the above proposed arrangement with Zaid, I will appreciate it if you could confirm whether it is Shariah compliant or not.

If not, how could it be structured so as to arrive at the same result where Zaid pays me R2,500 per month, and additionally pays all the amounts as per paragraph 2.3, thereafter keeping the balance for himself ?

A: The conditions stipulated in 2.3.1 and 2.3.2 of your questionnaire that Zaid will be additionally responsible for all repairs and maintenance and all levies, special levies and rates and taxes are not Shariah Compliant.

In principle the landlord is entitled to the rental in lieu of the tenant benefiting from the usufruct of the property.[6]

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[6] (هِيَ)...(تَمْلِيكُ نَفْعٍ)..(بِعِوَضٍ)(الدر المختار وحاشية ابن عابدين (رد المحتار) ٦/ ٤)

The conditions in 2.3.1 and 2.3.2 are contrary to the nature of Ijarah.

The landlord being the owner of the property is responsible for ownership expenses, repairs, maintenance, levies, rates and taxes. If ownership expenses are put upon the tenant, that will render the ijarah invalid.

Consider the following express reference.

تَفْسُدُ الْإِجَارَةُ بِالشُّرُوطِ الْمُخَالِفَةِ لِمُقْتَضَى الْعَقْدِ فَكُلُّ مَا أَفْسَدَ الْبَيْعَ) مِمَّا مَرَّ (يُفْسِدُهَا)...وَمَرَمَّةِ الدَّارِ ...أَوْ مُؤْنَتِهِ ...(الدر المختار وحاشية ابن عابدين (رد المحتار) ٦/ ٤٦)

Repairs and maintenance on the tenant is included in " مَرَمَّةِ الدَّارِ" which invalidates the Ijarah.

All levies and rates and taxes on the tenant are included in "مُؤْنَتِهِ" which also invalidates the Ijarah.

This is further explained in much detail in the following reference.

(قَوْلُهُ وَمَرَمَّةُ الدَّارِ أَوْ مَغَارِمُهَا) قَالَ فِي الْبَحْرِ: وَفِي الْخُلَاصَةِ مَعْزِيًّا إلَى الْأَصْلِ: لَوْ اسْتَأْجَرَ دَارًا عَلَى أَنْ يَعْمُرَهَا وَيُعْطِيَ نَوَائِبَهَا تَفْسُدُ؛ لِأَنَّهُ شَرْطٌ مُخَالِفٌ لِمُقْتَضَى الْعَقْدِ اهـ (الدر المختار وحاشية ابن عابدين (رد المحتار) ٦/ ٤٧)

The alternative is as mentioned by you in point 4, but Zaid is not comfortable with that.

There is no way that you as a landlord can hire a property and be hassle free. One possible consideration could be that Zaid hires the property from you for R1500. He upgrades

the property with your permission and sublets it at a higher rental.

The risk is Zaid could still refuse voluntary repairs and maintenance and demand that such expenses be borne by you.

Fiqh of Renting out Property

Q: What is the Shariah ruling for a Muslim to hire his property to a non-Muslim in the following situations:

• For residential purposes. A devout Christian or Hindu will pray in the house thereby committing kufr and shirk.
• General Purposes
• Pick and Pay, Checkers, Spar etc. These business houses also sell haram meat for example pork and meat not slaughtered according to Shari rights of Zabah as well. Alcoholic beverages are also sold.
• Bank. It is well known that a bank deals in interest and other non-Shariah compliant deals.
• Bar. Intoxicants will be sold and the rentals could be from the proceeds of those sales.
• At times, a shopping mall is for sale and a Muslim wishes to buy the mall. However the existing tenants are a bank, haram food oulet etc. Can a Muslim buy such a shopping mall knowing that he will be bound by the lease agreement with such tenants.
• A group of Muslims businessmen wish to put up a mall but they are required by law to have a bank and a food outlet as their tenants. It is not easy to turn down such

tenants who normally pay a good rental especially during an economic crisis.

We understand that non-Muslims are not bound by Shariah Laws. Similarly, Muslims are permitted to deal with non-Muslims. What is the Shariah ruling on all these issues? Could you explain to us the broad guidelines on these issues.

Your advise and observation will also be appreciated.

A: The Fuqaha have considered the different situations of Muslims dealing with non-Muslims and accordingly issued decrees based on the principles that govern such issues. For example in Kufa Muslims interacted with non-Muslims and used to do dealings with them. The issue of a Muslim hiring his property to a non-Muslim selling wine is discussed. This analogy will be the core of our discussion

According to Imam Abu Hanīfa ramatullahi alayh, it is permissible for a Muslim to hire his property to a non-Muslim who sells wine. In contrast to this view, the view of Imam Abu Yusuf and Imam Muhammad rahmatullah alayhima, the two famous students of Imam Abu Hanifa rahmatullah alayh is that it is not permissible. This is the view of the other three schools of thought.[7]

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[٧] إذا استأجر الذمي من المسلم بيتا ليبيع فيه الخمر جاز عند أبي حنيفة رحمه الله تعالى خلافا لهما ، كذا في المضمرات (الفتاوى الهندية: ٤٤٩/٤، مكتبة رشيدية)

The ideal ruling will be that it is not permissible for a Muslim to hire his property to a non-Muslim to sell wine as this is "اعانة على المعصية".

Allah Ta'ala says,

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ

And do not assist in sin

(Qur'an 5:2)

However, in view of the many challenges a Muslim faces in the economic world, the prudence of the view of Imam Abu Hanīfa rahmatullah alayhi is clearly demonstrated. According to Imam Abu Hanifa rahmatullah alayh it is permissible for a Muslim to hire his property to a non-Muslim who sells liquor – the rentals received will be halal.

The rationale behind this ruling is that the landlord has hired the usufruct of his property to the non-Muslim and receiving a benefit in lieu of the usufruct. He does not have anything to do with the activity of the tenant. The activities of the tenant are independent of the landlord. He is solely responsible for what he does.[8]

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[8] في الدر المختار: (و) جاز (إجارة بيت بسواد الكوفة) أي قراها (لا بغيرها على الأصح) وأما الأمصار وقرى غير الكوفة فلا يمكنون لظهور شعار الإسلام فيها ، وخص سواد الكوفة لأن غالب أهلها أهل الذمة (ليتخذ بيت نار أو كنيسة أو بيعة أو يباع فيه الخمر) وقالا لا ينبغي ذلك لأنه إعانة على المعصية وبه قالت الثلاثة ، زيلعي

Accordingly, a Muslim can hire his property to non-Muslim business, like Pick & Pay, a non-Muslim food outlet, a Bank etc.

When we research the views of our Akabireen on this issue, we observe that they also have considered the view of Imam Abu Hanifa rahmatullah alayh and created a leeway for following his view.

Hereunder are some fatawa:

وقال ابن عابدين رحمه الله: (قوله وجاز إجارة بيت إلخ) هذا عنده أيضا لأن الإجارة على منفعة البيت ، ولهذا يجب الأجر بمجرد التسليم ، ولا معصية فيه وإنما المعصية بفعل المستأجر وهو مختار فينقطع نسبيته عنه ، فصار كبيع الجارية ممن لا يستبرئها أو يأتيها من دبر وبيع الغلام من لوطي والدليل عليه أنه لو آجره للسكنى جاز وهو لا بد له من عبادته فيه ا هـ زيلعي وعيني ومثله في النهاية والكفاية (رد المحتار: ٣٩٢/٦، سعيد)

وفي تكملة البحر الرائق: قال رحمه الله: (وإجارة بيت ليتخذ بيت نار أو بيعة أو كنيسة أو يباع فيه خمر بالسواد) يعني جاز إجارة البيت لكافر ليتخذ معبدا أو بيت نار للمجوس أو يباع فيه خمر في السواد وهذا قول الإمام وقالا : يكره كل ذلك لقوله تعالى { وتعاونوا على البر والتقوى ولا تعاونوا على الإثم والعدوان } وله أن الإجارة على منفعة البيت ولهذا تجب الأجرة بمجرد التسليم ولا معصية فيه وإنما المعصية بفعل المستأجر وهو مختار فيه فقطع نسبة ذلك إلى المؤجر وصار كبيع الجارية لمن لا يستبرئها أو يأتيها في دبرها أو بيع الغلام ممن يلوط به والدليل عليه أنه لو أجره للسكنى جاز ولا بد فيه من عبادته وإنما قيده بالسواد ؛ لأنهم لا يمكنون من ذلك في الأمصار ولا يمكنون من إظهار بيع الخمر والخنزير في الأمصار لظهور شعائر الإسلام فلا يعارض بظهور شعائر الكفر قالوا في هذا سواد الكوفة ؛ لأن غالب أهلها أهل ذمة ، وأما في غيرها فيها شعائر الإسلام ظاهرة فلا يمكنون فيها في الأصح (تكملة البحر الرائق: ٢٠٢/٨، سعيد)

بینک کے لئے مکان کرایہ پر دینا

۹۱۴۴

سوال:- گذارش خدمت یہ ہے کہ از روئے شرع بینک کے لئے عمارت کرایہ پر دینا جائز ہے یا نہیں؟ اور کرایہ حلال ہوگا یا نہیں؟ اطلاعاً عرض ہے کہ بینک دو قسم کے ہوتے ہیں، ایک تو وہ جس میں اکثر حصہ سودی لین دین کا ہوتا ہے، اور کچھ دوسرے کاروبار بھی ہوتے ہیں مگر کم، دوسرے وہ بینک جس میں اکثر کاروباری معاملات چلتے ہیں اور کچھ سودی لین دین بھی

فتاویٰ محمودیہ جلد......۲۵ ۱۴۷ اجارۂ صحیحہ

ہوتا ہے، براہِ کرم کرایہ کے سلسلہ میں دونوں قسم کے بینکوں کا حکم تحریر فرمائیں؟

الجواب حامداً ومصلیاً

امام اعظمؒ کے نزدیک عمارت کرایہ پر دینا درست ہے، مستاجر جس کام میں بھی استعمال کرے، وہ اس کا فعل ہے صاحبینؒ کے نزدیک ناجائز کام کے لئے کرایہ پر دینا مکروہ و ممنوع ہے، کام مخلوط ہو تو غالب کا اعتبار ہوگا، پس دوسرے قسم کے بینک کے لئے بالاتفاق درست ہے، اور پہلی قسم کے بینک کے لئے عمارت کرایہ پر دینے میں امام صاحبؒ کے نزدیک گنجائش ہے، "وھو الاوسع" اور صاحبینؒ کے نزدیک مکروہ وممنوع ہے "وھو الاورع"[1] حلال یا غالب حلال مخلوط روپیہ کرایہ میں لینا درست ہے، حرام یا غالب حرام مخلوط روپیہ لینا درست نہیں[2] فقط واللہ سبحانہ تعالیٰ اعلم

حررہ العبد محمود غفرلہٗ دار العلوم دیوبند

[1] وجاز اجارة بيت ليتخذ بيت نار او كنسية او بيعة او يباع فيه الخمر وقالا لاينبغى ذلك الخ. در مختار على الشامى زكريا ج۹/ص ۵۶۳/مطبوعه نعمانيه ج۵/ص ۲۵۱/كتاب الحظر والاباحة فصل فى البيع، المبسوط للسرخسى ص۳۸/ج۱۶/باب الاجارة الفاسدة، البحر كوئله ص۲۰۲/ج۸/فصل فى البيع كتاب الحظر والاباحة.

[2] مستفاد اكل الربا وكاسب الحرام اهدى اليه او اضافه لايقبل ولاياكل وان كان غالب ماله حلالاً لاباس بقبول هديته الخ. عالمگيرى ج۵/ص۳۴۳/كتاب الكراهية الباب الثانى، خانيه على الهندية ص۴۰۰/ج۳/كتاب الحظر والاباحة، مطبوعه كوئله.

(Fatawa Mahmudiya: 25/146-147, Maktaba Mahmudiya)

Summarized translation:

Question:

What is the ruling on renting out property to a bank? Note that there are two types of banks: 1) a bank in which most transactions are interest based, although other permissible transactions also take place in it. 2) a bank in which most transactions that take place are permissible, although some interest based transactions also take place in it.

Answer:

According to Imam Abu Hanifa (R.A.) renting out the property is permissible. What the tenant uses the property for is his act (and responsibility, not the landlord's). According to the Sahibain (Imam Abu Yusuf and Imam Muhammad), renting out one's property for an impermissible act is makrooh and impermissible. If the act is mixed (i.e. the tenant will conduct both halal and haram activities in the property), then the majority will be taken into consideration (i.e. if the majority of the tenant's activities will be permissible then renting out the property to him will be permissible and if the majority of the tenant's activities will be impermissible then renting out the property to him will be impermissible). Therefore, renting out the property to the second type of bank (i.e. in which most transactions are permissible) is permissible unanimously. And renting out the property to the first type of bank (i.e. in which most transactions are impermissible) is permissible according to Imam Abu Hanifa – and this view is *awsa'* (more accommodating) – whereas according to the Sahibain it is makrooh and impermissible – and this view is *awra'* **(more precautionary).**

شراب کی بھٹی کے واسطے اپنا مکان کرایہ پر دینے کا حکم | **سوال**:۔ ایک مسئلہ زیر بحث ہے، اور تسکین نہیں ہوتی، حالانکہ بحر الرائق وغیرہ میں دیکھا گیا مگر جواب شافی نہ ملا۔ صورت یہ ہے کہ ایک شخص نے جو مسلمان ہے اپنا مکان شراب کی بھٹی کیلئے کرایہ کو دیا، اور مکان کے کرایہ کی حیثیت انتہائی دو روپیہ، مگر شراب کی بھٹی کے واسطے جو دیا ہے تو مبلغ تیس۳۰ روپیہ کرایہ وصول ہوتا ہے۔ اور بریلی کے مسلمانوں کو بہت سخت تکلیف واقع ہوئی ہے۔ مولوی حامد رضا خان سے اس مسئلہ کیلئے بعض اشخاص نے رجوع کیا تو انہوں نے جائز کہدیا ہے، حالانکہ اس سے بہت شر پھیلنے کا احتمال ہے۔ چنانچہ دریافت طلب یہ امر ہے کہ اس مسئلہ کی اگر صورت جزئیہ حضور کی نظر سے گذری ہو تو تحریر فرمادیجئے وگرنہ قیاس اور جواز وعدم جواز پر دلیل بیان فرمادیجئے۔ وہ شخص دلیل پکڑتا ہے: صح إجارة الدور و الحوانيت بلا بيان ما يعمل فيها، إلا أنه لا يسكن حدادًا او قصّارًا او طحانًا الخ۔

محمد سرور خان
شہر بریلی۔ محلہ کوہاڑا
یرنامی پریس

الجواب واللہ الموفق للصواب

(و) جاز إجارة بيت بسواد الكوفة اى قراها لا بغيرها على الأصح وأما الامصار وقرى غير الكوفة فلا يمكنون لظهور

شعار الاسلام فيها۔ وخص سواد الكوفة، لأن غالب أهلها أهل الذمة يتخذ بيت نار أو بيعة أو يباع فيه الخمر۔ وقالا: لا ينبغي ذٰلك، لأنه إعانة على المعصية، وبه قالت الثلاثة۔ زيلعي۔ در مختار مع الشامی ص ۳۸ ج ۵

یہ مکان جس محلہ میں ہے اگر اسمیں غالب آبادی مسلمانوں کی ہے تو اسمیں مکان کو شراب کی بھٹی کیلئے کرایہ پر دینا اتفاقاً حرام ہے اور اگر اس محلہ میں غالب آبادی کفار کی ہے، تو امام صاحبؒ کے قول پر یہ اجارہ درست ہے۔ اور صاحبینؒ اور ائمہ ثلاثہؒ کے نزدیک اسوقت بھی حرام ہے۔ واللہ اعلم

حررہ الاحقر ظفر احمد عفا اللہ عنہ
۱۸ ذیقعدہ ۱۳۴۲ھ
از تھانہ بھون

(Imdaadul Ahkaam: 3/534-535, Maktaba Darul Ulum Karachi)
In the question above, Hazrat Maulana Zafar Ahmed sahib was asked about giving one's property on rent for liquor brewery. The answer that Hazrat Maulana Zafar Ahmed sahib gave was that if the majority of the inhabitants of the locality are Muslims then doing so is not permissible unanimously. And if the majority of the inhabitants of the locality are non-Muslims then it is permissible according to Imam Abu Hanifa and not permissible according to the Sahibain and the other three Imams.

ناہ کے کام میں گاڑی اجرت پر استعمال کرنے کا حکم

سوال ۱۲۲۵) شراب یا تاڑی کے لئے گاڑی کرایہ پر لے جانا کسی مسلمان گاڑی والے کو درست ہے یا
نہیں۔ اسی طرح کسی جگہ ہندو لوگوں کو کسی مندر وغیرہ پر پہنچانے کے لئے گاڑی کرایہ پر لے جانا جائز ہے یا
نہیں۔ اسی طرح کسی عرس کے میلے پر لوگوں کو پہنچانے کے لئے گاڑی کرایہ پر لے جانا جائز ہے یا نہیں؟

عزیز الفتاویٰ ۶۳۸ کتاب

(الجواب) امام ابو حنیفہؒ کا مذہب ان امور میں جواز کا ہے اور اجرت حلال ہے اور صاحبین رحمہما اللہ فر
کہ مکروہ ہے۔ بسبب اعانت علی المعصیت کے۔ فی الدر المختار وجاز تعمیر کنیسة و حمل
ذمی بنفسه او بدابته باجر الخ وفی الشامی قال الزیلعی وهذا عنده وقالا هو یکره الخ
الدر المختار ایضا وجاز اجارة بیت بسواد الکوفة لمن یتخذه بیت نار او کنیسة او بیعة
فیه الخمر وقالا لا ینبغی ذلك لانه اعانة علی المعصیة وبه قالت الثلاثة الخ. واللہ تعالیٰ اعلم

(Azizul Fatawa: pg 637-638, Darul Isha'at)

In the question above, Hazrat Mufti Azizur Rahman sahib was asked about giving one's car on rent for transporting liquor and for transporting Hindu people to a temple. Mufti Azizur Rahman sahib responded by saying that the view of

Imam Abu Hanifa in these matters is that of permissibility, whereas the view of the Sahibain is that of impermissibility.

It is clear from the fatawa of the three quoted great personalities that they considered the harsh economic challenges faced by Muslims and expressed a leeway to hire one's property to them even though the activities of the business are not Shariah compliant.

If a Muslim landlord exercises restraint and avoids hiring his property to non-Muslims engaging in un-islamic activities and bears a loss or accepts a lower rental, that is his strength of Imaan and courage.

If a Muslim landlord is in financial constraints or in constraints with the law, there is a leeway for him to accept such tenants. Obviously, hiring ones property to such tenants will be makrooh (disliked) as there is a degree of assisting in sin. However, that karahiyyah (dislikeness) will fall away if the business of the tenant is not completely haram, and the major source of income is from halal, then he can use the income for himself.

It is advisable for him to dispense of the % of the haram portion of the rental by giving that amount in sadaqa. That amount may also be used to pay unjust taxes. For example, if the tenant is Pick n Pay or Spar or Checkers and the proceeds of the sales of liquor or haram meat is 5% and the rental is R50,000, then 5% of the rental , i.e. R2,500, should be ideally disposed off in Sadaqah or used to offset unjust taxes.

If the business is completely haram, for example, a disco, a night club etc, or the major source of the business is haram according to Shariah standards, then it is not permissible to hire one's property to such tenants.

Fudiciary Interest, Usufructury interest and bare dominium

Q: Is it permissible to donate in one lifetime or bequeth in ones will, a fiduciary interest, usufructury interest or bare dominium?

A: We have studied Section 62 – Valuation of South African Tax Law. You specifically referred to fiduciary interest, usufructury interest and bare dominium.

A summary of our understanding on the issue of reference is:

A person offers the usufruct of his property to a person on condition that the usufruct is passed over to another person upon the death of the first person, the initial recipient of the usufruct of the property does not become the absolute owner of the property until the second person passes away in his lifetime. It is only then the first person becomes the absolute owner of the property.

According to Shariah, the concept of fiduciary and fideicommissary as explained in the law is not compatible with Shariah.

Essentially, the owner of the property offers the usufruct of the property with suspended ownership of the actual property. The fiduciary's ownership is suspended upon the fideicommissary's death.

Similarly, the fideicommissary's absolute ownership of the property is only upon the fiduciary's death.

According to Shariah when an item is offered as a gift, it must be complete and absolute and not suspended on any future event. Furthermore, in the example cited to explain the concept of fiduciary and fideicommissary, it appears that a close family member, (potential heir in Shariah) qualifies for this type of gifting.

This further compounds the problem as that is tantamount to making a bequest in favour of an heir which is clearly prohibited in Shariah.

The second issue is of the usufructuary interest and bare dominium. This has **some** basis in Shariah with some variation.

According to Shariah, it is permissible to make a bequest of a usufruct in ones will with two conditions:

a.The bequest must not be in favour of an heir.
b.The bequest must be within 1/3 rd of the nett estate.
The example cited of the wife as a recipient of the usufruct will not be Shariah Compliant as she is an heir.

A bequest of usufruct for a non heir from within 1/3 of the nett estate for any period of time is valid. The bare

dominium will belong to the heirs and they will have control of the property upon the expiry of the bequest.

The above serves to merely broadly explain the issue and should not be taken as a conclusive explanation on the issue as in legal terms there is a difference between usufruct and habitatio.

وأمّا فيما تجوز الوصية بالخدمة والغلة، وفيما لا تجوز:
ولو أوصى بخدمة عبده سنة بعينها لرجل بعينه وهو يخرج من ثلثه خدمه سنة وإن لم يخرج من ثلثه خدمه يوماً وللورثة يومين حتى يستكمل؛ لأنّ الوصية بخدمة العبد والعبد لا يخرج من ثلث ماله كالوصية برقبة العبد؛ لأنّ الورثة يصيرون ممنوعين [عن العبد](٩) ما لم تمض مدّة الوصية فوجب اعتبار الثُّلث والثلثين كما يعتبر متى حصلت الوصية بالرقبة فوجبت القسمة(١٠) وقد تعذّر قسمة عين العبد؛ لأنه لا يمكن أن يجعل ثلثا العبد للورثة والثلث للموصى له حتى يخدم الكل في يوم(١١) واحد فوجبت القسمة بالتهايؤ بالأيام.
ولو أوصى بسكنى داره سنة فإن(١٢) كانت(١٣) الدّار تخرج من ثلثه(١٤) سكنها سنة وإن لم تخرج واحتملت القسمة سكن ثلثها والورثة ثلثيها إلاّ أن يتهايؤوا سنة بعينها؛ لأنّ عين الدّار ممّا يحتمل القسمة فأمكن قسمة العين كما أمكن قسمة السّكنى بالتهايؤ فكان حق الموصى له قسمة العين حتى لا تزول يده عما أوصى به في نوبة الورثة، إلاّ إذا اتفقا على قسمة السّكنى بالتّهايؤ فحينئذٍ(١)-لهم ذلك.

Alfatāwa Alwalwalijiyyah Vol 5 Pg 401-2

Gifting of Residential Property

Q: Please explain/comment on the following:
1. What are the conditions for gifting of a residential

property to one of the children for it to be valid according to Shariah?

2. Is a "Deeds of Donation" acceptable in Shariah (the asset is not transferred immediately but at the time of death).

3. To avoid donations tax legal experts are advising that the testator bequeath the property to an heir in a Will. The argument is based on the testator's niyat which is to donate it while he was alive.

4. A father wants his sons and daughters to inherit equally. He is being advised by legal experts to put his assets in a Special Trust making his children equal beneficiaries. Is this permissible by Shariah?

A:

1) The gifting of a residential property will be valid in Shariah with the following conditions.

a) Offer-the owner must offer his property as a gift

b) Acceptance-The donee must accept the gift.

c) Possession-The donee must take possession of the gifted item.

(Al Hidāya Vol 3 Pg 222,
Maktaba Dārul Ahyā' Turāth Alʿarabī)[9]

[9] الهبة عقد مشروع ..."وتصح بالإيجاب والقبول والقبض" أما الإيجاب والقبول فلأنه عقد، والعقد ينعقد بالإيجاب، والقبول، والقبض لا بد منه لثبوت الملك (الهداية في شرح بداية المبتدي ٣/ ٢٢٢ ، دار احياء التراث العربي)

The overall purpose of these conditions are the owner must gift the item in such a way that he relinquishes all rights over the property and has no claim over the property.

2, 3) It is permissible to make use of a legal loophole to overcome taxes. If a person intends to gift his property to his son, for example in his lifetime, he should fulfill the conditions as stated in answer no1. He may also register a deeds of donation to overcome taxes. To avoid confusion, he should prepare an external document stating that the house in reference belongs to his son and was gifted in your lifetime.

4) Inheritance is upon and after death. When a person passes away, the Shariah laws of Inheritance and Succession will apply. The sons share is twice the share of the daughter. This is expressly stated in the Quran.

لِلذَّكَرِ مِثْلُ حَظِّ الْأُنْثَيَيْنِ

…For the male is (the share) equivalent of two females…

(Qur'an 4:11)

The mechanism of a special trust as advised by the legal experts in reference to make ones children, males and females equal beneficiaries after death is unfortunately incorrect. The trust must be designed according to the Shariah laws of Inheritance.

Dua to make ones wife beautiful

Q: I would like to know what are the sunna to follow for my wife, so that she becomes more beautiful. Is there any dua or sunna we have to make so that my wife become more beautiful? Alhamdulliah my wife is beautiful but since i live in a country like Australia sometimes when I see other non-muslim girls wearing short dresses, i feel like wish my wife were more beautiful. How can i stop it? I am trying my best to stop looking at other girls but its very hard. Even sometimes other girls just come in front of me while I am in the train, bus or on street. Is there any dua for it so that i can stay away from this sin and make my heart filled with love only for my wife and see her as most beautiful wife in my eyes?

A: Mashā'Allah, your desire to be content with your wife and regard her as the most beautiful woman in your eyes is commendable. We make *duʿā'* that Allah Ta'ala fulfills your wish. Aameen.

You state your wife is beautiful **but** when you see other woman, you feel your wife should be more beautiful. Beauty is competitive. One excels the other. Assuming you see the most beautiful woman today, for how long will she be the most beautiful person in your sight?

Within a short period you may see someone even more beautiful. The beauty of the previous most beautiful person will now be insignificant. Now someone else is most beautiful! There is no ending in competing beauties. The levels of beauty are infinite. You will **never ever** be

completely satisfied with the most beautiful woman. The beauty of a woman is relative and also limited. This is a reality and one cannot deny this. If one does not put a block on himself and exercises restraint in looking at women with competing beauties, he will get addicted to the sickness of enjoying the beauties, form and shape of women.

This is similar to a drug addict, or an alcoholic. He faces some problems in life and takes one dose that puts him on a "high" and takes him away from the world of reality to the world of fantasy. That escape is temporary. When he gets sober, the problem is bigger. Similarly, when a married person goes on a "high" with the form, shape and beauty of a woman, that is also short lived with no fulfillment.

When he faces the reality of life, he then realizes the harms of the evil act of not controlling one's eyes. The heart and mind of such a person is caught up with another woman's appearance and now suddenly his wife who he cherished so much is not that beautiful. This then has a rippling effect in ones marriage, anger, attitude, fights, bedroom complications etc. This is exactly what Rasulullah salallahu alayhi wasallam explained:

النَّظْرَةُ سَهْمٌ مِنْ سِهَامِ إِبْلِيسَ مَسْمُومَةٌ

The sight of a person (at the opposite gender) is a spear from the spears of shaitān.

(Mustadrak Hākim Vol. 4 Pg. 349)

Just one sight on a woman and see the damage. The sight on a woman is like touching a live wire, it shocks.

The simple solution is as prescribed in the Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ

Say to the believing men that they should lower their gaze and guard their modesty: that will make for greater purity for them: And Allah is well acquainted with all that they do

(Quran 24:30)

To lower the gaze is avoiding the problem. This seems to be a tough command. When one lowers his gaze, he fears he is losing out on the beautiful sight. In reality when he brings the courage and bears that pain of not seeing the woman, he saves himself from a bigger pain. Besides that, to bear the pain of not seeing the beauty of woman out of fear for Allah gives rise to the sweetness of imaan. That pain is for the pleasure of Allah. If you are in an unavoidable situation of woman, guard your eyes to the best of your ability. If your eyes fall on a woman, turn it away. Don't feed the heart and soul with more of it. A person's nafs and eyes are in his control. He has the strength to control them. All it requires is courage and focus on the pleasure of Allah.

Exercising restraint and controlling ones gaze gives one an unparalleled enjoyment of Imān.

Using interest money to build toilets

Q: Can interest money b used to pay for toilet facility and whudu kahans for an orphanage?

A: There are two views among the Ulama regarding the disposal of interest money received from the bank:

1) The first view is that such interest money can only be given to the poor who are entitled to receive Zakat (i.e. they must not possess the nisab of Zakat). It is also necessary that the recipients are granted ownership and possession of the wealth (*tamleek al-fuqaraa)*. According to this view, it is not permissible to utilise such interest money directly in public welfare projects, such as building roads, bridges and public toilets etc.

(Fatawa Mahmudiya: 24l431, Maktaba Mahmudiya)

2) The second view is that in addition to giving such interest money to the poor, it is permissible to use such interest money directly in public welfare projects. According to this view, granting of ownership to the poor (*tamleek al-fuqaraa)* is not a requirement.

*(Fatawa Raheemiya: 9/279-282, Darul Isha'at)**
(Kifayatul Mufti: 7/105, Darul Isha'at)

The first view is more precautionary *(ahwat)* whereas the second view is more accommodating *(awsa')*.

In view of the different academic views, there is a leeway to use interest money received from the bank for the

construction of toilets and ablution facility for an orphanage.

Note:

As a general rule, no Muslim by his free choice should deposit his money in an interest-bearing account. A non interest-bearing account should be utilised for the purpose. If there are any intricacies, a mufti should be consulted.

3 days / 40 days or 4 months Jamaat. Is it permissible?

Q: What is your opinion about going out in Jamat for 3 days/ 40 days / or 4 months? What are the basis of these specific days from Quran and Sunnah?

A:

A brief introduction to Tablīgh Jamāʿah and their objectives

Tablīgh literally means 'to convey'. Contextually, it refers to conveying the message of Islam. This is the*sunnah* of all the prophets. The most important rule of *Tablīgh* is *hikmah*. Allah Ta'ala says in the Holy *Qur'ān*:

ادع إلى سبيل ربك بالحكمة والموعظة الحسنة

Invite (people) to the way of your Lord with wisdom and good counsel.

(Qur'an, 16:125)

Whosoever does *Tablīgh* must adopt *hikmah*. It is only then, that people will understand and accept.

The system conducted by the *Tablīgh Jamā ̒ah* was initiated by Hazrat Mowlāna Ilyās Sāheb rahimahullah. He observed that people were too engrossed in their worldly activities and had forgotten the objective for which they had been sent to this world. He realized that they had to free some time from their worldly engagements, to sit and ponder about Allah Ta'ala and their purpose for being sent to this world. Therefore, he started calling people to the *masjid*, and reminded them about Allah Ta'ala and His greatness. Initially people rebuked him, they discouraged him and used to say that they had no time for all of this; but as time went by, they realized the truth behind it and the need for it, and started joining him in calling others towards Allah Ta'ala. Thereafter, when more people started joining this work, a few guidelines had to be set, to make sure that the work was done in a proper manner. Different time periods of 3 days, 40 days, etc. were set, so that people knew for how long they had to be away, and could make the necessary arrangements for that period.

Their objective is that each and every Muslim adopts the Islamic way in all aspects of life. They do not advice anyone to leave all their daily activities and join this work, but they encourage people to take out some time from their daily

engagements so that the rest of the time could be spent in accordance to the teachings of Islam. Spending time in the path of Allah is not the objective of the work, but rather it acts as a motivation to practice on all other aspects of *Deen*.

Proof from Qur'ān and Hadīth

There are many verses of the *Qur'ān* and the *Ahadīth* of Nabī *sallallahu ʿalaihi wasallam* that support the practice of *Tablīgh*. Hereunder are a few of them:

From the Holy *Qur'ān*:

1.

ادع إلى سبيل ربك بالحكمة والموعظة الحسنة

Invite (people) to the way of your lord with wisdom and good counsel.

(Qur'an, 16:125)

2.

ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر

And there has to be a group of people from among you who call towards good and prevent from evil.

(Qur'an, 3:104)

3.

ومن أحسن قولا ممن دعا إلى الله وعمل صالحا وقال إنني من المسلمين

And who is better in utterance than the one who called people towards Allah,
and acts righteously and says, "I am one of those who submit themselves (to Allah Ta'ala).

(Qur'an, 41:33)

From the Ahadīth of *Nabī sallallahu ʿalaihi wasallam*:

4.

Hazrat Abu Sa'eed *radhiyallahu ʿanhu* narrates that he heard Nabī *sallallahu ʿalaihi wasallam* saying, "Whosoever witnesses a forbidden act being committed, he should prevent it by the use of his hands; if he is unable to do so, then he should prevent it with his tongue; if he is unable to do so, he should at least consider it a vice in his heart; and this is a very low level of Iman".

(Sahīh Muslim Vol.2 Pg.211/2 - Darul Ma'rifah)[10]

5.

It has been reported on the authority of Nuʿmān bin Bashīr *radhiyallahu ʿanhu* that *Nabī sallallahu ʿalaihi wasallam* said,

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[10] فقال أبو سعيد أما هذا فقد قضى ما عليه سمعت رسول الله صلى الله عليه وسلم يقول من رأى منكم منكرا فليغيره بيده فإن لم يستطع فبلسانه فإن لم يستطع فبقلبه وذلك أضعف الإيمان (صحيح مسلم ج ٢ ص ٢١١-٢١٢ دار المعرفة)

"There are people who do not transgress the limits (laws) of Allah Ta'ala, and there are others who do so. They are like two groups who boarded a ship; one of them settled on the upper deck, and the other on the lower deck of the ship. When the people of the lower deck needed water, they said, "Why should we cause trouble to the people of the upper deck when we can have plenty of water by making a hole in our deck". Now, if the people of the upper deck do not prevent this group from such foolishness, all of them will perish; but if they stop them, they will be saved".

(Sahīh Al Bukhāri Vol.3 Pg.152 - Darul fikr)[11]

The objection that 3 days, 40 days, 4 month going in the path of Allah is not in the Qur'ān and Sunnah

It is a commandment of *Sharī'ah* to acquire knowledge, but the manner in which the *Madāris* are established today, is not proven through *Qur'ān* and Sunnah. Up until the recent past, the scholars used to teach in the*masjids* of their respective towns and villages. The students had to go to different scholars to learn the different sciences. No arrangements of food or boarding were made. However, the zeal for knowledge had decreased as time went by, and the scholars felt it necessary to establish the system of *Dārul*

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[11] عن النعمان بن بشير رضي الله عنهما عن النبي صلى الله عليه وسلم قال مثل القائم على حدود الله والواقع فيها كمثل قوم استهموا على سفينة فأصاب بعضهم أعلاها وبعضهم أسفلها فكان الذين في أسفلها إذا استقوا من الماء مروا على من فوقهم فقالوا لو أنا خرقنا في نصيبنا خرقا ولم نؤذ من فوقنا فإن يتركوهم وما أرادوا هلكوا جميعا وإن أخذوا على أيديهم نجوا ونجوا جميعا (صحيح البخاري ج ٣ ص ١٥٢ دار الفكر)

Ulūms Dārul Ulūms as is established today. Nobody regards such a system to be *bid'ah!*

Similarly, *Sharīʿah* has commanded us to do the work of *Tablīgh*. This work used to be done on an individual basis. The learned people used to preach people and prevent them from all vices. As time went on, vice started prevailing, and people had stopped doing the work on an individual basis; therefore, a collective effort had to take place, and rules had to be set up for the work to carry on in order.

Importance of seeking knowledge

We accept the fact that it is important to seek knowledge, and certain aspects of *Deen* are such that it is compulsory for each and every Muslim to know them. There are millions of Muslims in the world. It is not practically possible that all these Muslims join *Dārul Ulūms* and *madaris* or (as mentioned by the Shaykh) sit in the *masjid* and acquire knowledge, as is the custom in , etc. All the Muslims in the world will not be prepared to do this, nor can the *Dārul Ulūms* and *madaris* accommodate such a big body of students. Therefore, a different mechanism had to be adopted.

It was observed that only the minority that were in *Dārul Ulūms* and *madaris* were acquiring knowledge, and the vast majority was too engrossed in worldly activities, resulting in the ignorance of even the basic principles of *Deen*. Therefore, a method was engineered where the Muslims were requested to take out some time from their daily engagements and come to the *masjid*. Here they were

reminded about Allah Ta'ala and how ignorant they were of the teachings of Islam. This led them to spending more time in the path of Allah and eventually they were educated with the basic teachings of Islam. It is apparent today that anyone who spends atleast 40 days in the path of Allah is acquainted with the basic rulings of *salat*, *wudu*, etc. and also learns to recite those *suras* of the *Qur'ān* that are read frequently in *salat*. Moreover, the work of *Tablīgh* has created awareness for the lack of knowledge in Muslims in the past few years, resulting in more students joining *madaris* and the opening up of more *Dārul Ulūms* and *madaris*.

The position of knowledge in Tablīgh Jamāʿah

Tablīgh Jam'at does not discourage people from acquiring knowledge, but rather it acts as an encouragement for people to go seek knowledge. The teachings of *Tablīgh Jamāʿah* are based on "six points", the third point of which is "*'ilm* (knowledge) and *zikr* (remembrance of Allah Ta'ala)". When the brothers who go out in the path of Allah, the virtues of knowledge are read to them and they are encouraged to go to the scholars of *Deen* to acquire knowledge of the rulings of Islam. The students and teachers of schools and *madaris* are discouraged to disrupt their studies for the work of *daʿwah*, but they are inspired to give their free time for this work. There are extremists that give preference to *daʿwah* over knowledge, but this is totally against the teachings of the seniors of *Tablīgh Jamāʿah*.

Propagating without knowledge

It is true that one should not preach what one does not know. However, not having knowledge in one field does not mean that one cannot propagate at all. There is no one present on the face of the earth who can say that he has mastered all fields, or even one field for that matter. Knowledge is so vast that no creation can encompass it. Therefore, we cannot say that one should wait till he has perfected his knowledge in order to propagate it. It is enough for a person to know one aspect of *Deen* to propagate that aspect to another person. We also understand from the *Ahadith* of *Nabī sallallahu ʿalaihi wasallam* that he ordered the Sahabah*radiallahu ʿanhum* to propagate whatever they heard from *Nabī sallallahu ʿalaihi wasallam*, even if it was one sentence.

عن عبد الله بن عمرو أن النبى - صلى الله عليه وسلم - قال « بلغوا عنى ولو آية ... » .

It has been narrated on the authority of Abdullah bin Amr *radhiyallahu ʿanhu* that *Nabī sallallahu ʿalaihi wasallam* said, "Convey (my teachings) to the people even if it were a single verse or sentence (from the*Qur'ān* or the Sunnah …".

(Sahīh Al Bukhari Vol.4 Pg.175 - Darul fikr)

Similarly, the brothers who go out in the path of Allah discuss the "six points" with those who have spent more time than them. After they are well acquainted with the "six points", they are allowed to give talks in the mosque. They are advised to speak only within the "six points" and not speak anything besides that. In this way, they propagate only what they know and not what they do not know. Only the

qualified scholars are allowed to elaborate on issues other than the "six points". This is the reason why most of the brothers that take part in the work of *Tablīgh* do not answer questions posed on *aqeedah* and rules of Islamic jurisprudence. Anyone who poses such questions is asked to consult an *'alim* for an answer.

It has also been the concern of the seniors of the work of *Tablīgh* that many of the *Jamā'ahs* go out in the path of Allah without a single *'ālim* in the whole *Jamā'ah*. They are trying to rectify this situation by inviting more scholars to do this work. However, they make sure that there are at least one or two *'ulamā'* in every *Jamā'ah* that is sent to another country.

Misquoting the Ahadith of Nabī sallallahu 'alaihi wasallam

It is a great sin to falsely attribute anything to *Nabī sallallahu 'alaihi wasallam*. *Nabī sallallahu 'alaihi wasallam* has said:

ومن كذب على متعمدا فليتبوأ مقعده من النار

Whoever tells a lie against me intentionally, then surely let him occupy his seat in the (hell) fire.

(Sahīh Al Bukhari Vol.4 Pg.175 - Darul fikr)

It is a sad fact that scholars and the general masses are all involved in this malpractice of misquoting the *Ahadith* of *Nabī sallallahu 'alaihi wasallam*. Incidents and

sayings are taken from books and other talks, and attributed to *Nabī sallallahu ʿalaihi wasallam* without trying to figure out if they are authentic or fabricated. This malpractice is not found only amongst those brothers who are involved in *Tablīgh Jamāʿah*, but is a common practice of many of the speakers who want to spice up their talks with interesting stories.

The seniors of *Tablīgh Jamāʿah* discourage the others from quoting such narrations, but there are many who do not adhere to this advice. However, it will not be advisable for one to abandon the work of *Tablīgh*because of these speakers, but rather join the work and correct this malpractice.

It is because of the fear of misquoting the narrations of *Nabī sallallahu ʿalaihi wasallam* that the brothers of*Tablīgh Jamāʿah* attribute the narrations to their seniors and say that 'so and so said it'. In this way they are saved from attributing those narrations to *Nabī sallallahu ʿalaihi wasallam* of which they have no knowledge.

The ones nearer to you have more right

We accept the fact that the ones nearer to you have more right, and you should propagate to them before you start propagating to others. Allah Ta'ala mentions in the Holy *Qur'ān*:

وأمر أهلك بالصلاة واصطبر عليها

Bid your family to perform Salāh, and adhere to it yourself.

(Verse: 20:132)

However, this does not mean that one has to wait till everyone in his family and locality has come totally upon Islam before he could propagate to others. *Nabī sallallahu ʿalaihi wasallam* did not wait for the whole of Makkah Mukarramah to accept Islam before he went to Taif. All *madaris* do not wait till everyone in that town or village becomes an *'alim* before they accept students from other towns or countries. Similarly, the brothers involved in *Tablīgh* go out in the path of Allah, but they are also doing this work in their locality when they are not out in the path of Allah.

Moreover, this objection needs to be justified only if we assume that the brothers go out in the path of Allah to rectify the others, whereas, their objective of going out in the path of Allah is to rectify themselves. We have mentioned above that spending time in the path of Allah is not the objective of the work, but rather it acts as a motivation to practice on all other aspects of *Deen*. The objective is to be involved in*masjidwar a'mal* after they return home. *Masjidwar a'mal* includes doing *gusht* (going door to door) in the locality and reading 'the book of virtues of good deeds' at home.

Ref: Taken mainly from Fatawa Mahmūdiyah Vol.4 Pgs.228-243 (Jami'a Farūqiyah)

And Allah Ta'ala Knows best

Mufti Abu Yahya,
Sri Lanka

Checked and approved with the following additions with regards to 3 days/40days and 4 months:

The principle and simple response to this objection is,

- One is a general order of *Sharīʿāh*. For example *Daʿwah* and *Tablīgh*, seeking Knowledge etc.
- The other is the procedure in carrying out these orders.

The procedure to do *daʿwah* and *Tablīgh*, seeking knowledge etc. are subservient to *Maslihah* (prudence). Maslihah is a very important juristic principle and governs many orders of *Sharīʿāh* based on circumstances.
It is the wisdom of a wise person/s to understand circumstances and guide and act accordingly.
Rasulullah salallahu ʿalayhi wasallam wanted to rebuild the *Ka'bah Sharīf* and include the *Hatīm* area in it as it was excluded by the Arabs at the time of *Jahiliyyah* due to shortage of funds.

- Consider, the Ka'ba Shareef is the house of Allah.
- It was built by His beloved prophet Ebrahim alayhis salam with the order of Allah.
- The Ka'ba Shareef is a symbol of Allah on earth.
- The final and most beloved Rasul of Allah *salallahu alayhi wasallam* expressed his desire to rebuild the Ka'ba and include the Hateem in the enclosed part of the Ka'ba.

Inspite of such overwhelming positive points, Rasulullah *salallahu alayhi wasallam* decided against rebuilding the *Kaʿba* as that was against *Maslihah*.

The people would accuse Rasulullah *salallahu alayhi wasallam* of starting a new religion and changing the symbols that are near and dear to them. That in turn would turn the people away from Islam.

It is also important to consider that this consideration of Rasulullah *salallahu alayhi wasallam* was during his final Hajj. Makkah was conquered. Islam has spread and thousands entered into the fold of Islam already. Rasulullah *salallahu alayhi wasallam* could have all had the support to change the Ka'ba. Yet he exercised restraint. All this was due to Maslihat.

There are innumerable examples in *Seerah* of invoking the rule of *Maslihah* for purpose of *Daʿwah*. A wise person looks beyond the surface of the issue.

*Daʿwah*h (propagation) is an integral part of Deen. It is actually one of the missions of Rasulullah *salallahu alayhi wasallam*. In fact the mission of every prophet of Allah.

Any person having insight on the history and life of the prophets will understand that the procedure of*daʿwah*h during the different prophets was circumstantial. Every prophet faced a different challenge which required a different approach of *daʿwah*.

It is common knowledge,

"The laws of one nation cannot govern the other"

Rasulullah *salallahu alayhi wasallam* is the last prophet. His mission of *Daʿwah*h will remain till the day of judgement.

The Ummat will face changing conditions all the time.

What was the best method of *daʿwah*h 1000 years ago, may not be the best now. New methods had to be introduced to achieve the common objective of *Sharīʿāh* and *Daʿwah*h. Surely, any new method must not violate any injunction of *Sharīʿāh*. At the same time, *Sharīʿāh* does not oppose introducing methods to uphold the common objectives of *Sharīʿāh*. In fact to some extent *Sharīʿāh* encourages it.

اذا ثبت الشئى ثبت بلوازمه

When something is established, it will be with all its imperatives

Take for example, *Sharīʿāh* has emphasised on building *Masājid*. There are great rewards promised for a person that builds a Masjid.

مَنْ بَنَى لِلَّهِ مَسْجِدًا بَنَى اللَّهُ لَهُ مِثْلَهُ فِي الجَنَّة

Whosoever builds a Masjid for Allah's pleasure, Allah will build for him a similar in Jannah

(Sunan Tirmidhi Shareef #318, Vol. 2 Pg 134)

Building a Masjid is an expression of a person's *Imān*.

However, what takes place before building a Masjid and what happens after a Masjid is built are all administrative issues left to the discretion of the person, for example:

- Consulting appropriate people in the choice of the land.
- Choosing a builder
- Obtaining funds
- Drawing a constitution
- Appointing an Imam
- The daily activities in the Masjid

There are no specific rules governing all the issues surrounding the building of a Masjid. However,, *Sharī ʿāh*does not oppose these issues as it is a means to achieve the objectives encourages in *Sharī ʿāh*.

Will anyone object to these issues in establishing Masjid?

Can anyone claim, where is it in the *Qur'ān* and *Hadīth* to have a constitution for a Masjid?

Where is it in the Qur'an that there should be specific talks and programmes in the Masjid? All this is left to the discretion of the trustees of the *masjid*.

Similarly, *Sharī ʿāh* emphasizes on seeking knowledge of *Sharī ʿāh*? There is no specific order of *Sharī ʿāh* to learn Arabic.

However, it is understood that he Arabic language is a medium to understand the Qur'an and *Hadīth*. Hence, the learning of Sarf, Nahw, Fasahat and Balaghah etc.

Similarly, there is no mention of establishing madrasahs and *Dārul Ulūms* with a five year or seven year curriculum. All these are based on careful thought, experiences and administering an agenda to achieve the objective of being educated in *Sharīʿāh*.

Nowhere in the Qur'an it is stated to study specific subject or for a specific time period?

If these *lawāẓimāt* (imperatives) of a masjid or becoming an Alim are not implemented, a masjid would not be built or not properly administered. There would not be well educated Ulama.

This is also understood in the circular field. There is a need for doctors, lawyers, and other apprentices.

It is only after a person spends a few years studying and doing apprenticeship in a particular field, is one qualified enough to practice in that field. To practice as a doctor without fulfilling these administrative requirements is termed as fraud. Will it be wise to question where is this in the Qur'an and the Hadith?

How can such a huge responsibility of *Daʿwah*h be fulfilled without undertaking training in the field of*Daʿwah*h. *Daʿwah*h is not merely representing ones client

in law. *Da'wah*h is not merely administering medicine or fixing someone's lights like an electrician does!

It is to guide mankind from the darkness of kufr to the lights of Iman and faith in Allah.

It is to guide one from the attachment of their temporary materialistic world to the everlasting hereafter.

This is a huge and mammoth task. It requires the **pain** in the heart to witness kufr and shirk, to witness people treading the path to jahannam (hellfire).

Once that **pain** is there, the rest follows – sacrifice with wealth and life.

This pain is inculcated by going out and witnessing the condition of people immersed in their worldly life. Knowing something can never be like personal experience.

ليس الخبر كالمعاينة

Information (of something) is not the same as witnessing (through eyes)

Our Ulama have thus encouraged people to go out for a few days, 3 days, 40 days, 4 months to witness the condition of the people and feel the pain of Ghaflah (obliviousness) , kufr and shirk and then exert oneself to guide oneself and other on to Sirat al Mustaqeem.

The best answer to your objections is join the work with experienced elders and witness the noor of the work yourself.

No amount of explanation will fulfil you equivalent to your personal experience.

There is a saying,

The taste of the pudding lies in tasting it.

Looking at the pudding will not make you understand the taste.

Regulating the markets

Q: I have one question regarding Trade and Industry in Islam and would like it answered with the view of large corporations or conglomerates. Thereafter please feel free to offer any advice to small/medium businesses and even if you would like to refer me to any good source of literature on the acceptable conduct for businessmen within Islam.

Is it permissible to regulate the flow of goods and services in order to obtain a premium on the eventual sale of those goods/services? (i.e. withholding stocks so that market prices may surge)?

A: Islam is a complete way of life. Hence, just as emphasis has been placed on ibaadaat (worship), emphasis has also been placed on muasharaat (social ethics) and muamalaat (social dealings) which includes business and economics.

Business in Islam is not only about enriching oneself. It also serves as a means of benefiting and developing society.

Therefore, a system of sound rules and morals has been instituted in consideration of fellow human beings. As a result, any transaction which has an element of harm to an individual or society is abhorred in Shariah. It is precisely for this reason that price fixing etc has been declared as prohibited.

Shariah promotes free trade and a competitive market. Every individual is free to sell a commodity on whatever price he wishes. One person would thus sell his commodity on a hirer rate while another would sell the same item at a cheaper rate. Thus, a competition is created in the market. In this approach, the independency of the owner is maintained as well as benefit to the consumer.

Ihtikaar (Regulation of the flow of goods, hoarding) has also been prohibited as ihtikaar is an expression of selfishness. Nabi (sallallahu alayhi wasallam) has said

Whoever withholds, he is a sinner (al-Bayhaqi 6/29 Dar al Kutub al-ilmiyyah) [12]

However, the Fuqaha have confined the prohibition of ihtikaar to food items. Therefore, in all other items, ihtikaar will be permissible but discouraged.[13]

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[١٢] من احتكر فهو خاطئ (البيهقي ج ٦ ص ٤٩ دار الكتب العلمية)

[١٣] ينهي للخروج من الاختلاف بالامام يوسف - رد المحتار - (٦- ٣٩٨ سعيد(
والتقييد بقوت البشر قول أبي حنيفة ومحمد وعليه الفتوى كذا في الكافي ، - بدائع الصنائع في ترتيب الشرائع - (٤-٣٠٩ دار الكتاب ديوبند(

Money Matters between husband and wife

Q: Please advise is it permissible for a wife to borrow money without the husband's approval or having discussed this with him. Also there are numerous ahadith as to how the husband should treat his wife how should a wife treat her husband even if it comes to disagreeing on something with regards to her parents. Is it also right for a wife to override her husband if her parenst tell her to do something and the husband diasagrees.?

A: Jazakallah for writing to us with your question.

Allow me to point out that the relationship between a couple should be one in which they consult each other on important matters at all times. Money can become a 'bone of contention' in a marriage and lead to lots of ill feeling and grief if problems that come up are not dealt with effectively and in a mature way. A couple should communicate with each other with respect, tolerance and understanding rather than dealing with each other as if they are adversaries in a

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وعند محمد رحمه الله لا يجري الاحتكار إلا في قوت الناس وعلف الدواب من الحنطة والشعير والتبن والقت . - تبيين الحقائق شرح كنز الدقائق - (٧-٦١ دار الكتب العلمية(

وتخصيص الاحتكار بالأقوات قول أبي حنيفة ومحمد رحمهما الله ، - العناية شرح الهداية - (ج ١٤ / ص ٢٨٠ المكتبة الشاملة(

وتخصيص الاحتكار بالأقوات كالحنطة والشعير والتبن والقت قول أبي حنيفة رحمه الله ، - الجوهرة النيرة - (ج ٦ / ص ١٧٦(

وخص الاحتكار بالأقوات كالحنطة والشعير والقت والتبن والحشيش وهو قول أبي حنيفة.

boxing ring or worse. Allah Ta'ala did not allow marriage so that two people may hurt and destroy each other. Rather, marriage between man and woman is to bring about greater good for the couple, their families and society as a whole.

To be forthright brother, I need you to question yourself. What has led to the wife having to borrow money (why does the wife have a need to borrow money) from someone. Who is she borrowing the money from and what does she intend to do with the money? Is it not possible to discuss this with her?

You ask if it right for a wife to override her husband and be disobedient towards him. As long as her husband is not asking her to indulge in haraam and unacceptable matters, she has to obey her husband. Her first allegiance is towards her husband and not to her parents although she has to always respect and love her parents. If a husband has valid and reasonable reasons for stopping his wife from doing certain things that could affect their marital relationship negatively, she should by all means do whatever is within her power to not only obey her husband but also support him in an effort to maintain harmony in the marriage. The harmony in a marriage cannot only be maintained by one spouse. It needs hard work, commitment, understanding, tolerance, cooperation and patience from both spouses. If one spouse decides that she/he wants to do what she/he wants to and disregard the partner, then problems are bound to occur and escalate. This will be detrimental to the whole family as is can lead to the breakdown of the relationship.

I urge you to ask a learned scholar to assist you with your marital problems if you have not had success by asking her parents to intervene and help with the matter. I also urge you to take a close look at how you have been managing your marital issues and examine whether you have been unfair and overlooked your wife's rights in any way that could have led to her behaving the way she does. May Allah Ta'ala ease your difficulties and grant both of you the hidayah to seek His pleasure by practicing the Sunnah of our beloved Nabi (Sallallaahu alayhi wassallam)in your marriage, ameen.

Female doctor in Niqaab

Q: I m a doctor from USA. I finished my medical school from pakistan while I was admitted there by scholarship so I left usa to go to pakistan.

Their I joined the madrasa and started niqaab. After my study is complete I had to come back to usa because my father is here who is the one who actually supports me.

Now my father is not accepting my niqaab at all and everything I go to find a job as a doctor he discourages me and I have found it so hard to find a doctor position in usa.

I have no other choice. I m not married yet that I can convince my husband to move. My dad is so authoritative and he is hypertensive and depressive patient. If I argue with him or even tell him politely his bp shoots and he has to take medicines. Please guide me the right path. I m very

upset and I want to continue my career as a doctor but I m not ready to take my niqaab off.

A: Jazakillah khayr for writing to us regarding, firstly your difficulties in trying to please Allah Ta'ala and on the other hand trying to please your father also. Sister, do please remember that no matter what your father says to you, you have to respect him and speak gently to him. I understand that it can be very frustrating, upsetting and difficult to talk to someone about why you are wearing a niqab. It is also important to be aware that your parents always deserve to be respected.

You are totally within your rights to wear niqab. You do not have to give it up if you do not wish to do so as it appears that to you, pleasing Allah Ta'ala is more important than pleasing human beings. So when your father starts challenging or attacking you, silently (in your mind) make dua for him and also make istigfar but avoid answering and retaliating. You know that you are in his house and at present you have nowhere else to go. Not that I am saying you should leave but as long as you are with him, try by all means to keep the peace. You are the younger one and it is Allah Ta'ala's commandment that we should not even say "oof" to our parents. I can understand that it will be difficult to get a job as a doctor in USA as conditions have turned against Muslims as a whole.

How about thinking of doing some other studies from home that will allow you to earn and grow in your field until conditions improve? I know it is difficult not to be able to practice in the field of your qualification but I guess you

need to become creative in how you deal with the difficulties. Many doctors in South Africa are studying parallel medicine like Tibb medicine / acupuncture/ homeopathic and flourishing from their own practices.

I do not understand the part of your question where you mention that 'yet I can convince my husband to move.' Are you saying you are getting married or married already and you want to move elsewhere? Sister do not despair. Your father will Insha'Allah understand the virtue of your choice sometime in the future. Consider this as your test from Allah Ta'ala.

Perhaps your sincerity is being tested and Allah Ta'ala is drawing you closer to Him by placing this difficulty before you. Do remember that our predecessors gave up their homes, wealth and even lost their lives so that deen could to us and the future generations. Perseverance, patience, dua and steadfastness are required from you. You have much work with respect to your deen. Who knows, you may become one of the great ladies of Islam by inviting many hundreds to deen and a pure way of life. May Allah Ta'ala ease your difficulties, keep you steadfast on imaan, guide your father and your family towards obeying Allah Ta'ala's commandments, ameen. You may write again if you wish.

Giving away ones wealth before death.

Q: I've heard that if a man distributes all his property among heirs and then his death occurrs, it can be said that he left the world as a poor man. In this process, it can be

said that, gathering property is not a problem if it can be distributed before death. Is it true?

A:

On the authority of Saʿd ibn Abi Waqas radiallahu anhu, it is narrated that he said that the Nabi of Allah salallahu alayhi wasallam visited me at Makkah while I was ill. I said (to him), "I have property; May I bequeath all my property in Allah's Cause?" He said, "No." I said, "Half of it?" He said, "No." I said, "One third of it?" He said, "One-third (is alright), yet it is still too much, for you'd better leave your inheritors wealthy than leave them poor, begging of others. Whatever you spend will be considered a Sadaqah for you, even the morsel of food you put in the mouth of your wife. Perhaps Allah may let you recover, so that some people may benefit by you and others be harmed by you."

(Sahīh Bukhāri 7/62)[14]

It is clear from this Hadīth that:

- Sayiduna Saʿd radiallahu anhu was a wealthy person.
- He wanted to distribute his wealth in his life time.
- Rasulullah salallahu ʿalayhi wasallam advised him against that.

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[١٤] ٥٣٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ، أَخْبَرَنَا سُفْيَانُ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ: كَانَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَعُودُنِي وَأَنَا مَرِيضٌ بِمَكَّةَ، فَقُلْتُ: لِي مَالٌ، أُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لاَ» قُلْتُ: فَالشَّطْرِ؟ قَالَ: «لاَ» قُلْتُ: فَالثُّلُثِ؟ قَالَ: «الثُّلُثُ وَالثُّلُثُ كَثِيرٌ، أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ فِي أَيْدِيهِمْ، وَمَهْمَا أَنْفَقْتَ فَهُوَ لَكَ صَدَقَةٌ، حَتَّى اللُّقْمَةَ تَرْفَعُهَا فِي فِي امْرَأَتِكَ، وَلَعَلَّ اللَّهَ يَرْفَعُكَ، يَنْتَفِعُ بِكَ نَاسٌ، وَيُضَرُّ بِكَ آخَرُونَ«
(صحيح البخاري ٧/ ٦٢)

- It is better to leave ones wealth as inheritance for ones heirs.

Selling Satelite Dishes

Q: Is it permissible to install satellite dishes/dstv dishes that may receive both Islamic and non Islamic channels for the purpose of income?

A: A satellite is an instrument of broadcasting multiple types of audio (telephone, radio etc.) and visual(TV/intenet) communication.(World Book Encyclopedia).The satellite is a general means of broadcasting and could be used to broadcast permissible and impermissible content. One is not actively responsible for listening or seeing the unislamic content relayed on radio, TV and internet; therefore installing satellite dishes as a source of income is permissible. If a person uses the satellite facility to listen or see unislamic content through any means, he will be responsible for the sin.

(Fatāwa Hindiyyah Vol. 3 Pg. 116,Darul Fikr)

Secret Second Marriage

Q: Does a man requires permission to take a second wife from the first ? Is he required to notify his first wife of the second marriage. Can he make Nikah secretly ??

A: It is not a requirement of Shariah that a husband take the permission of his wife to remarry. If a husband remarries

without the consent of his wife, the marriage will be valid. In order to avoid acrimony between the husband and the wife, it is advisable that the husband discusses his intention to remarry with his wife. It is possible the wife may react negatively to his plan to remarry. However that may be better than him marrying secretly. A secret marriage poses many discomforts to the husband. Firstly the tension of maintaining the secret. At all times he has to be on guard from his wife in every aspect, in his movements, contacts, speech etc.

Secondly if the wife learns of his secret marriage she will feel betrayed. Her reaction and subsequent conduct may be worse than her possible negative reaction when informing her before the marriage.

In brief, what was to be a means of peace and solace then turns out to be a means of grief and agony. In a well put statement by an experienced person with a second marriage, "from the pot to the frying pan".

Middle East Crisis

Q: What are your observations on the Middle East crisis??

A: Hazrat Ali radiallahu anhu stated, "A country can continue to exist with disbelief, but a country will not endue with oppression." History reveals that victims of oppression may be temporarily suppressed but never permanently eradicated. It is human nature to revolt against oppression. Over a period of time, it catches up with the oppressor. This is clear in the context of oppressive apartheid system in South Africa and the oppressive regimes inTunisia, Egypt, Libya and Syria. The oppression has bounced back to choke the oppressors. The intelligence and resources of the oppressors never availed them. The Qur'an speaks of the fall of the oppressors Fir aun and Qārūn. We should also take heed of the unfolding events of oppression in the Middle- East and desist from all levels of oppression, personal and systematic. If a person becomes a victim of a systemic form of oppression, all the members that are part of the system are equally responsible for the oppression and will suffer the consequences in proportion to their participation in the oppression.

Allah is Al Adl,(Just). An oppressor will most definitely meet and see the consequences of his Dhulm. A victim is shrouded in the grace of Allah's justice. One of the major lessons to be gained is that the kuffaar's friendship is based on their self-interests. Those very same Arab dictators who were bosom allies of the West were abandoned by their "friends" when their sell-by-date expired.

Buying and Selling used cars - Guidelines

Q: I want to start a part time business in which i will purchase used cars and then will sell them at a margin. For that purpose i want to know the principles/rules of trading provided by islamic sharia. Therefore kindly inform me any source from where i can learn them easily or is there any book written on this topic, which can be bought and read online.

A: If you purchase and sell cars at a profit and you referred to the cost price then that is a muraabahah deal.[15] The cost price may include expenses incurred by you in the car.[16] In this case, the purchaser knows what is your profit margin. If the seller deceives the purchaser with regards to the cost price, the purchaser will have recourse.[17]

If you did not refer to your cost price, then this is a general sale.[18] In this instance, the purchaser does not know your profit margin. You are not obliged to divulge your cost price to the purchaser.

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[15] (التولية بيع بالثمن الأول ، والمرابحة بزيادة ، والوضيعة بنقيصة) (الاختيار لتعليل المختار- ط.العلمية - (٢ / ٢٨))

[16] قال : (ويجوز أن يضم إلى الثمن الأول أجرة الصبغ والطراز وحمل الطعام والسمسار وسائق الغنم ويقول : قام عليّ بكذا(الاختيار لتعليل المختار- ط.العلمية - (٢ / ٢٩))

[17] فإذا ظهرت الخيانة يرد أو يختار على ما يأتيك إن شاء الله تعالى (الاختيار لتعليل المختار- ط.العلمية - (٢ / ٢٩))

[18] وفي الشرع : مبادلة المال المتقوم بالمال المتقوم تمليكا وتملكا (الاختيار لتعليل المختار- ط.العلمية - (٢ / ٣))

You may sell the car for cash terms or on credit.[19] The price between the two, cash and credit may differ. The credit price may be higher than the cash price.[20] The longer the period of installment, the higher the price could be. The mode of transaction, cash or credit must be specified. You may also sell the car voetstoots. That is you absolve yourself from any claim of any defect in the car.[21]
If the customer enquires of any defect in the car and you know of the defect then you should inform him. Inspite of selling the car voetstoots, providing this information is a moral issue.

If you sell your car on credit you may demand a security for payment from the purchaser. The security may be through Rahn or Kafaalat.

Rahn is the debtor places an item as collateral to you. If he does not pay, the item may be sold to recover your debt.[22]

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[١٩] ويجوز البيع بثمن حال ومؤجل إذا كان الأجل معلوما (اللباب في شرح الكتاب - (١ / ٢٤١))

[٢٠] **Introduction to Islamic Finanace pg102**

[٢١] (ومن اشترى عبدا) مثلا (وشرط البراءة من كل عيب فليس له أن يرده بعيب) مطلقا موجود وقت العقد أو حادث قبل القبض (وإن لم يسم العيوب ولم يعدها) لأن البراءة عن الحقوق المجهولة صحيحة لعدم إفضائها إلى المنازعة (اللباب في شرح الكتاب - (١ / ٢٦٦))

[٢٢] وفي الشرع : الحبس بمال مخصوص بصفة مخصوصة ، شرع وثيقة للاستيفاء ليضجر الراهن بحبس عينه فيسارع إلى إيفاء الدين ليفتكها فينتفع بها ويصل المرتهن إلى حقه(الاختيار لتعليل المختار- ط.العلمية - (٢ / ٦٦))

Kafaalat is a person stands guarantee to pay the debt on behalf of the debtor.[23] You may also consider withholding the car until the price of the car is paid in a cash sale agreement or partly cash sale agreement.[24]
Khiyaar Naqd is another option of securitization. That is you say to the purchaser pay within for example one month. If you do not pay, then the transaction is cancelled.[25]

Consequences of an absent father

Muslims are challenged with many dilemmas and fitna from all directions. It is noble and commendable to serve Allah Ta'ala's deen where and whenever possible. However, to serve one's family and to be consciously involved in the upbringing of one's children is a responsibility and duty every parent has (to fulfill).

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[٢٣] وفي الشرع (ضم ذمة الكفيل إلى ذمة الأصيل في المطالبة) هو الصحيح (الاختيار لتعليل المختار- ط.العلمية - (٢ / ١٧٨))

[٢٤] الْفَصْلُ الْأَوَّلُ فِي حَبْسِ الْمَبِيعِ بِالثَّمَنِ قال أَصْحَابُنَا رَحِمَهُمْ اللَّهُ تَعَالَى لِلْبَائِعِ حَقُّ حَبْسِ الْمَبِيعِ لِاسْتِيفَاءِ الثَّمَنِ إذَا كان حَالًّا كَذَا في الْمُحِيطِ وَإِنْ كان مُؤَجَّلًا فَلَيْسَ لِلْبَائِعِ أَنْ يَحْبِسَ الْمَبِيعَ قبل حُلُولِ الْأَجَلِ وَلَا بَعْدَهُ كَذَا في الْمَبْسُوطِ وَلَوْ كان بَعْضُ الثَّمَنِ حَالًّا وَبَعْضُهُ مُؤَجَّلًا فَلَهُ حَبْسُهُ حتى يَسْتَوْفِيَ الْحَالَّ وَلَوْ بَقِيَ من الثَّمَنِ شَيْءٌ قَلِيلٌ كان له حَبْسُ جَمِيعِ الْمَبِيعِ كَذَا في الذَّخِيرَةِ(الفتاوى الهندية - ط. دار الفكر - (٣ / ١٥))

[٢٥] إذَا بَاعَ على أَنَّهُ إنْ لم يَنْقُدْ الثَّمَنَ إلَى ثَلَاثَةِ أَيَّامٍ فَلَا بَيْعَ بَيْنَهُمَا فَالْبَيْعُ جَائِزٌ وَكَذَا الشَّرْطُ هَكَذَا ذَكَرَ مُحَمَّدٌ رَحِمَهُ اللَّهُ تَعَالَى في الْأَصْلِ.........وَإِنْ بَيَّنَ الْمُدَّةَ أَكْثَرَ من ثَلَاثَةِ أَيَّامٍ قال أبو حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى الْبَيْعُ فَاسِدٌ وقال مُحَمَّدٌ رَحِمَهُ اللَّهُ تَعَالَى الْبَيْعُ جَائِزٌ كَذَا في الْمُحِيطِ (الفتاوى الهندية - ط. دار الفكر - (٣ / ٣٩))

Parents have to recognise that they live in a world where "western" influences are strong, no matter how much they may try to shield their children or themselves. They cannot go on burying their heads in the sand in this day and age and believe that they will not be affected or targeted in one way or another. They have to accept that their children are growing up in a world where peer group pressure, the education system and the media, be it "mXit", drugs, movies, pornographic material exist and can have an influence on them. These traps can have a huge impact on their children's lives and in fact on the lives of the parents themselves.

Children become confused when they have a "temporary father" or a father who takes little interest in being present for his children. This sort of father is considered as an absent father and the children often experience conflict about whether they are loved or wanted by him or not. Yes, a mother is the child's first school but it is the father who is most important in teaching his children what the world is all about. He is the one who helps to establish moral and social values in the lives of his daughters and sons for he is their link with the outside world. He goes out daily into the outside world and he thus has full knowledge of what his children will be faced with. It is his duty to make them aware of the possible pitfalls they may encounter out there and help them by preparing them to deal with these pitfalls and other challenges.

He is also the parent who has a great deal of influence over his children in terms of their interests, be they academic,

religious, social or *otherwise*. When a father takes an interest in the children's education, they are more motivated to do well and to be "like father". Not only sons but daughters also love to impress their fathers and they often want to do well because, "my father will be so happy with me". They identify more with the father's qualities and code of life. This in turn helps to improve their self-esteem, confidence and identity of who they are as Muslims. They are better able to stand up to negative peer pressure and are more receptive towards avoiding evil.

When a father shows a lack of interest in his children's education, they often lack the motivation and interest in performing well. They feel rejected or have the attitude, "What's the point because my father does not care as he is too busy making money or doing his own thing". They also become ambivalent about whether they can love, trust and respect him or even obey him. They often find it difficult to obey him or follow his advice or guidance because he is not 'there for me when I need him'. By the *otherwise,* I mean that if a father does not convey his interest in his children's daily lives, his children will seek the "*otherwise*" which could be drugs, crime or worse. They will seek acceptance and recognition from their friends who instead become more important than the 'absent father'. In order to be accepted and to have a feeling of belonging (with their friends), these children may engage in activities that are haraam and that get them into trouble with the law.

The father should not just take the stand that he does not have to spend much time with his children or that, "My

children will be safe because I am fully engaged in the work of deen" The life of a Muslim has to be one of balance. If there is no balance in how a father conducts his time between work, family and deen, his family will be rocked from pillar to post. The father is the captain of his family and as such, he has been given the responsibility to protect and guide his family safely. He is the shepherd of his flock and he has to look after them.

It is totally unacceptable that a husband goes for 4 months jamaat and leaves his wife to work and support his family. In fact, he should have seen to it that he made adequate provision for his family so that his wife did not have to work during this time. She should have been in a position to give her full attention to her children and feel safe in her home by not having to be working. By away from home too often and by not spending quality time with them, he is abdicating his duties and responsibilities as a father and husband. If he is so caught up in his own world of television, car washes, business and other activities; he is neglecting his wife's and his children's rights over him. He should question himself and ask why he serves other people but fails to serve his own family. He has to examine himself and ponder over where his first duty lies. It is considered a great sadqa to assist one's wife in the home. His duty is to take his family to the doctors when needed and timeously too so that they don't miss their appointments. Since he goes in jamaat so often, he has learnt the value of time and punctuality. Time to put it into practice, brother. The brother concerned here should seriously consider what role he is playing in his family.

Earning Frequent Flier Miles fron loan through Credit Card

Q: I wanted to loan some money to my friend to buy a fridge. For ease, instead of giving cash/check , I paid for the fridge on my credit card. (which Inshallah I will pay off before any interests accrues). Every time I purchase anything with my credit card, I get frequent flier miles as an incentive from the credit card company. My question is islamically is it correct to get this kind of benefit when you are loaning to someone? will this be considered as interest?

A: There is a difference between giving a loan to someone and paying a debt on behalf of someone. If you give a loan to someone, any excess on that loan will be interest.

In the enquired case, you did not advance a loan instead you paid a debt on behalf of a debtor. The debtor will repay you the debt. He is not giving you the frequent flier miles. The frequent flier miles is a voluntary gift from the Credit Card Company to you. That is not interest as there is no legal claim for that against the debtor.

Earning commission in trade and hoarding

Q: I hope you must be in good health. I am seeking fatwa in the situation below having two parts; please follow,

Part ONE

I have recently joined potato trading business in the city of Okara. They are basically commission agents which we usually call "aar'dti" in urdu. I have invested little money there. Over that investment they get a total 7% commission on every transaction which is done on 15 day turnover.

After every 15 days 1% is spent on expenses and the rest 6% is divided in two equal halves whereby i get 3%. This is a fix thing.

Actually from my money they buy the potatoes from the farmer on cash and pay him instantly and sells it in the market on a 15 day credit cycle where the buyer is supposed to give 7% commission having this credit facility, which in turns to be our profit.

I see there is nothing wrong in it as people have been doing this for ages but i still want to seek fatwa if this is O.K with shariah?

<u>Part TWO</u>

The above type of transactions runs only Six months a year. In the remaining Six months we STORE THE POTATO in cold stores. Actually fresh Potatoes are available only six months a year. In every part of the country it is a six month yield. In order to get it to the market all twelve months it is stored. So it is compulsory for a potato to be stored.

Now we store it as a normal practise. But when we store it, the price is reasonably low and when we see the market is

fair enough high we sell it, the gap between buy and sell is our profit. So there is one thing to be very clear that we store the potatoes from the perception that it will get high rates. Is this also O.K with shariah??

A:

1) We understand from your query that you invested X amount of money with a company. The company buys potatoes from the farmers and pay for it in cash. Thereafter the company sells the potatoes to the retailer on a higher rate and with a deferred payment. The profit mark up between the purchasing price and selling price is 7%. 1% is used for the expenses of the company and the remaining 6% is shared on a 50-50 ratio. Your question is if this is permissible.

It is permissible for you to enter into such an agreement. This will fall under the rules of *muḍarabah*i.e. one party contributes the money and the other party does the work and both share in the profits. Fixing 1% of the profits to be used for expenses of the company is an administrative issue. If the expenses of the business are more than 1% then the total amount of expenses could be deducted as *mudārabah* is sharing of profits after deduction of total expenses. If the expenses are lesser than 1% then the surplus amount should be included in the distribution of profits.[26]

[٢٦] المختصر للقدوري - (٢٦٩) - كتاب المضاربة

المضاربة : عقد يقع على الشركة في الربح بمال من أحد الشريكين وعمل من الآخر ولا تصح المضاربة إلا

2) If potatoes are available to the public and they are not being harmed by you storing it away it will be permissible for you to store it. If the general public are being harmed by you storing the potatoes away it will be *makrūh* (detestable) for you to store them away and sell them when the prices have gone higher.[27]

I cannot contact the person whose car I hit. How do I repay him?

Q: Yesterday I accidentally hit someone's car whilst reversing. I am not sure if I caused a scratch because the car I hit was very old. Although, this is a very likely chance I scratched this car.

I left a note in the car window saying that I hit the car

بالمال الذي بينا أن الشركة تصح به ومن شرطها : أن يكون الربح بينهما مشاعا لا يستحق أحدهما منه دراهم مسماة ولا بد أن يكون المال مسلما إلى المضارب ولا يد لرب المال فيه

[27] اللباب في شرح الكتاب –(٧٠٥)

(ويكره الاحتكار) والتلقي (في أقوات الآدميين) كبر وشعير وتمر وتين وزبيب (والبهائم) كتبن وقش (إذا كان ذلك في بلد يضر الاحتكار) والتلقي (بأهله) لحديث "الجالب مرزوق، والمحتكر ملعون" وإن لم يضر لم يكره (ومن احتكر غلة ضيعته أو ما جلبه من بلد آخر فليس بمحتكر) أما الأول فلأنه خالص حقه لم يتعلق به حق العامة، ألا يرى أن له أن لا يزرع، فكذلك له ألا يبيع، وأما الثاني فالمذكور قول أبي حنيفة؛ لأن حق العامة إنما يتعلق بما جمع في المصر وجلب إلى فنائها، وقال أبو يوسف: يكره؛ لإطلاق ما روينا، وقال محمد: كل ما يجلب منه إلى المصر في الغالب فهو بمنزلة فناء المصر محرم الاحتكار فيه، وعلى قول أبي حنيفة مشى الأئمة المصححون كما ذكره المصنف، تصحيح.

شرح منلا مسكين ٢٠٨/٢ ، الهدية العلائية ٢٨٨

please call me. I left my name and number. However, I have not heard back from the owner/driver of the vehicle I hit. I do not know where this person lives. I never asked anyone on the street, to avoid any confrontation.

My question is since I have not heard back can I give some money in charity with the intention of reward to the person I hit? This because I do nit want to be blameworthy on day of judgement. Also how much sadaqah do I have to give, is it the amount of repair costs, or any amount in my own discretion?

A: We are pleased to receive your query. It is always a breath of fresh air to read someone with a pure conscience.

We take note that in such an accident, it is very easy to simply drive away, especially when the other car is so old that one cannot even judge if one has caused any scratch on it or not. It was correct of you to leave a note on the car with your contact details.

Many times gestures of courtesy are sufficient apologies. Perhaps, the driver of that vehicle also felt the same and decided the matter was trivial enough not to contact you about it.

If you had noted down his registration number, then you could locate him through that. However, under the circumstances what you did was to the best of your ability. If the car owner feels that you should pay for repairing the scratch on the car, it is now his responsibility that he

contacts you through your contact details. If he does not contact you then you are not liable for anything else.

The heart of a *mu'min* is such that it aches at the sense of causing harm to another human being. It is natural that you will still feel some discomfort in your heart. This is the sign of *Imān* and *Taqwā*. If you keep feeling the sense of guilt, then make abundant *istighfār* and give out any amount of *sadaqa* that will rest your heart at ease.

We pray that Allah accepts you in your endeavor to fulfil your *shar'ī* and moral rights and reward you abundantly for it. Ameen

Structuring the wages for an employee

Q: I have a question regarding salary structures and if the following method will be accepted according to the islamic priciples. Can a salary/wage be structured in a way that its based upon a few conditions and not just a basic salary?

It is divided into 4 sectors that carry out the month end wage
for example :

1. R1000 as a basic salary bonuses/gift/incentive from the company if the following is cariied out in good order will be paid at the companies discretion :
2. R1000 for punctuality if you at work at 8 am daily (not a min) after
3. R1000 for 100 % attendance

4. R1000 for behavior (no arguements at work)

If any of the above conditions (time/attendance/behavior) are not fulfilled or there is no improvement from the staff with regards to latecomming then the basic will be reduced by R500 monthly until they improve or show commitment at the end of the month the employee could leave with R4000 or less , depending on the companies discretion and the employees attitude .

If there are staff who persist on latecoming by 15 to 30mins daily can the R1000 for punctuality be deducted completely? is this method correct?

A: The structure has two components.
A) Salary
b) Gift

The first component is an obligation and has a legal right. When an employee provides a service, the employee is obliged to pay him the agreed salary. The employee has a legal right and claim to his salary.[28]

The second component is a gift. A gift is voluntary gesture and has no legal right. If the donor offers the gift, it is his kindness. If he does not offer a gift, there is no claim against

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[28] (هِيَ بَيْعُ مَنْفَعَةٍ مَعْلُومَةٍ بِأَجْرٍ مَعْلُومٍ) ... أَيْ الْإِجَارَةُ اسْمٌ لِلْأُجْرَةِ وَهِيَ مَا أُعْطِيَ مِنْ كِرَاءِ الْأَجِيرِ وَقَدْ أَجَرَهُ إذَا أَعْطَاهُ أُجْرَتَهُ وَالْأَجْرُ مَا يُسْتَحَقُّ عَلَى عَمَلِ الْخَيْرِ(تبيين الحقائق شرح كنز الدقائق وحاشية الشلبي ٥/ ١٠٥)

him. The structure in reference is a combination of an obligation and a voluntary act. [29]

If the basic salary is R1000, the employee is entitled to the R1000 at the end of the month. The employer has to pay the employee. If the employer refuses to pay; the employee has a legal claim against the employer.

Points 2, 3, and 4 of the structure are gifts based on performance, punctuality, attendance and behavior. The employer is morally bound to reward the employee. He is however not legally required to do so as it is a gift. [30]

The structure may be implemented. However; the employer as well as the employee should know the implications of the first and second component to avoid any misunderstandings and disputes. If it is possible the employee may regard points 2, 3, and 4 as a salary structure which is suspended on his performance. This may lead to him claiming a right at the end of the month if he fulfills the requirements mentioned in 2, 3, and4.

The deduction of the salary for late coming should be calculated according to time. For example if o ne is earning R10 000 for 20 days a month Monday to Friday at 8 hours per day. He is thus earning R500 day at a rate of R62.50 an hour. His salary should be deducted accordingly.

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[٢٩] وَهِيَ {الهبة} الْعَطِيَّةُ الْخَالِيَةُ عَنْ تَقَدُّمِ الِاسْتِحْقَاقِ (الاختيار لتعليل المختار ٣/ ٤٨)

[٣٠] المرجع السابق

Too cold to do business! Duaa to be recited on a cold day

<u>The following duaa should be recited on cold days:</u>

لا اِلهِ اِلا اللهُ مَا أَشَدَّ بَرْدَ هذا الْيَوْمْ ، اَللّٰهُمَّ أَجِرْنِيْ مِنْ زَمْهَرِيْرِجَهَنَّمْ.

(رواه ابن السني - ٣٠٧ -)

Laa ilaaha illallahu ma ashadda barda hazhal yawm , allahumma ajirni min zamhareeri jahannam.

<u>*Trans*</u>. "There is no deity but Allah, How severe is the cold of today!

O Allah! Protect me from the severe cold of Jahannam"

Rasulullah I *is reported to have said: " When a person recites this supplication, Almighty Allah says to Jahannam : "Verily a servant of mine has sought refuge in me from you, bear testimony that I have granted him salvation from you"*

(Ibnu Sunni # 307)

Hottest Deal!

<u>Earn Millions in Seconds!</u>

Did you know you could turn the market place into a place of earning reward?!

Earn millions Plus a Palace in Paradise!

Don't lose out on this fabulous deal!

Sayyidunā `Umar (Radiyallāhu Ta`ālā `anhu) narrates that Nabi (Sallallāhu `alayhi wasallam) said: Allāh will

record for the one who recites the following du`ā when entering the market place a million rewards and remove million evil deeds and elevate him a million stages.

Another narration has: Allāh will build a home for him in Paradise.

لَا إِلَهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيْكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ يُحْيِيْ وَيُمِيْتُ وَهُوَ حَيٌّ

Transliteration:

Lā ilāha illallāhu wahdahu lā sharīka lahu lahul mulku wa lahul hamdu yuhyī wayumītu wahuwa hayyul

Translation:

There is none worthy of worship besides Allāh alone. He has no partner. To Him belongs all kingdom and to Him belongs all praise. He grants life and causes death. He is all living

لَا يَمُوْتُ بِيَدِهِ الْخَيْرُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيْرٌ

Transliteration:

Lā yamūtu biyadihil khayru wahuwa `alā kulli shay in qadīr

Translation:

and never dies. In His hand lies all good and He has power over all things

(Tirmidhi 3428/9)

We urge all Muslims especially business men to learn this du`ā and recite it whenever in the market place. Also advertise it suitably to encourage all Muslims to invest in this magnificent deal.

Hazrath Maulana Yunus Patel Saheb rahmatullah alayh

HAZRATH MAULANA YUNUS PATEL SAHEB

rahmatullah alayh

The demise of Hazrath Maulana Yunus Patel Saheb rahmatullah alayh has left a hollow and empty feeling in the hearts of multitude of people and have particularly shaken the hearts of the Ulama.

This clearly demonstrates how Hazrath rahmatullah alayh had touched the hearts of people in so many different ways. Apart from Hazrath rahmatullah alayh being an inspiration in taqwa and piety, he was more a pillar of strength for everyone in all spheres of life.

Hazrath Maulana rahmatullah alayh left the world with all his wealth of knowledge, experience and wisdom at a time when his leadership in the ranks of the Ulama is most needed. There is no doubt that many Ulama have a feeling of being orphaned with the demise of Hazrath Maulana Yunus Patel Saheb rahmatullah alayh.

The following hadith expresses the loss of the knowledge, wisdom and experience of the Ulama upon their demise.

'Abdullah bin 'Amr bin Al' As Narrated that I heard Allah's Apostle saying, "Allah does not take away the knowledge, by taking it away from (the hearts of) the people, but takes it away by the death of the religious learned men till when none of the (religious learned men) remains, people will take as their leaders ignorant persons who when

consulted will give their verdict without knowledge. So they will go astray and will lead the people astray."

(Sahih Bukhari #100 , Vol.1 Pg. 32)[31]

I am personally indebted to Hazrath rahmatullah alayh for activating me in the field of Fatawa. In the year 1993, Hazrath rahmatullah alayhrequested me to take charge of the Fatwa Department of the Jamiatul Ulama Kwazulu Natal. It was Hazrath rahmatullah alayh's humility that he would even send Fatawa to me to answer. Ever since this sinful soul is engaged in the field of Fatawa with the order of Allah. All the Fatawa answered at the Jamiatul Ulama and elsewhere by this sinful soul are thawab e jaariya (perpetual reward) for Hazrath rahmatullah alayh insha'allah, Ameen.

I had the opportunity of serving the Fatwa Department of Jamiatul Ulama Kwazulu Natal for 8 years under Hazrath rahmatullah alayh's august presidency. Hazrath rahmatullah alayh was very sad at me leaving the Jamiatul Ulama Kwazulu Natal and relocating. Hazrath rahmatullah alayh's wisdom became manifest to me now.

In my relocation to Durban, Hazrath rahmatullah alayh was a source of strength, guidance and inspiration to me.

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[٣١] حَدَّثَنِي مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ العَاصِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «إِنَّ اللَّهَ لاَ يَقْبِضُ العِلْمَ انْتِزَاعًا يَنْتَزِعُهُ مِنَ العِبَادِ، وَلَكِنْ يَقْبِضُ العِلْمَ بِقَبْضِ العُلَمَاءِ، حَتَّى إِذَا لَمْ يُبْقِ عَالِمًا اتَّخَذَ النَّاسُ رُءُوسًا جُهَّالًا، فَسُئِلُوا فَأَفْتَوْا بِغَيْرِ عِلْمٍ، فَضَلُّوا وَأَضَلُّوا«
صحيح البخاري ١/ ٣٢

In the last few hours before Hazrath rahmatullah alayh left for Umrah on June 23, I spoke to him. He read out a letter to me in which a dream to the effect of the following was stated.

Rasulululllah salallahu alayhi wasallam and the souls of the Ambiya were present. Hazrath Maulana Yunus Saheb rahmatullah alayh too was present. After stating this dream to me Hazrath rahmatullah alayh was overwhelmed. I requested him for duas and Hazrath rahmatullah alayh very generously made dua for me.

The above referred dream has become a reality. Hazrath rahmatullah alayh's rooh is with Rasulullah salallahu alayhi wasallam, Anbiyaa and Sulahaa.

May Allah elevate Hazrath rahmatullah alayh's status and grant him Jannatul Firdaus.

May Allah forgive us for our shortcoming for not fulfilling Hazrath rahmatullah alayh's rights and maqam, Ameen

Moon Issue in U.K destroying spirituality of Ramadhan and Eid

Q: Every year during Ramadhan and Eid, the differences on the moon issue surfaces which brings about enormous problems. Our Ramadhan and Eid get spoiled with the in-fighting. Ramadhan ought to be a month of spiritual upliftment and Eid, a day of enjoyment. We lose both; no spirituality and no enjoyment. What is your advise so that

we do not loose the roohaniyyat of Ramadhan and the enjoyment of Eid through in-fighting?

A: The academic opinions of the various Ulama on the moon issue in the U.K are well known. It was expected that such academic contributions would ultimately bear the fruits of making the correct decision.

Non co-operation and acrimony have been the stumbling block in making progress.

In academic issues, the mind must prevail over emotions. Disagreement should be in an agreeable manner.

When academic differences lead to acrimony, that is very un-academic. It becomes very difficult for people of dignity and honour to contribute any further to such a course.

To get caught in the web of acrimony and humiliating ones counterpart is counterproductive and detrimental to ones Imaan.

What was once supposed to be a pure academic issue is now an issue of ones Nafs and ego.

The only seeable solution for the time being is:

- Academic issues should be confined to the Ulama and Muftis who are expected to address these issues within their ranks with decorum and honour.
- The layman is not tasked by Shariah to engage on academic issues. They are ordered to follow their Ulama.

- When the Ulama differ, don’t interfere. Never ever condemn any Alim or humiliate him.
- Simply place your trust in your Alim of trust and abide by his decision.
- There is no point in questioning his decision as you cannot be his judge.
- If anyone, be it your friend or family, places his trust in one Alima nd abides by his decision, then respect his decision. If you care for your roohaniyat of Ramadhan or enjoyment of Eid, you will not confront him on his decision.

This approach will not eradicate the differences but will surely control the differences so that one does not loose the roohaniyat of Ramadhan and enjoyment of Eid in in-fighting.

Recommended Duaa to be recited on 15th of Sha'baan

As we approach the blessed night of 15th of Sha’bān, let us take full benefit of today and tomorrow and memorize this recommended duʿā’. Recite this duʿā’ in abundance in the mubārak night

أَعُوذُ بِرِضَاكَ مِنْ سَخَطِكَ، وَأَعُوذُ بِعَفْوِكَ مِنْ عِقَابِكَ،
وَأَعُوذُ بِكَ مِنْكَ لَا أُحْصِي ثَنَاءً عَلَيْكَ أَنْتَ كَمَا أَثْنَيْتَ عَلَى نَفْسِكَ

I seek refuge in Your pleasure from Your annoyance, and I seek refuge in Your forgiveness from Your punishment, and I seek Your refuge

from Yourself. I cannot praise You in the manner that You deserve. You are exactly as You have defined Yourself.

(Shu'bul Imān lil Bayhaqī, #3557)

Aʿūdhu bi ridhāka min sakhatika, wa aʿūdhu bi ʿafwika min ʿiqābika wa aʿūdhu bika minka lā uhsī thanā'an ʿalayka anta kamā athnyta ʿalā nafsika

Working as an Ultrasound Assistant

Q: Is it permissible to work as a Ultrasound Technician, for men?

Job Description:
Ultrasound technicians use sound (sonic) waves to capture images of the internal organs and tissues for the diagnosis and treatment of medical problems. This medical field is called sonography. Utilizing specialized ultrasound equipment, the sonographer takes readings of the appropriate areas and angles as requested by the physician, and sends them back for interpretation. Unlike other diagnostic imaging systems that function using radiation, ultrasound is completely safe for both the ultrasound technologist and the patient. Most ultrasound techs work in hospitals or diagnostic imaging centers, and are in good physical condition in order to maneuver patients during ultrasounds.?

A: It is permitted for a male to work as an ultrasound technician; however, he should keep in mind that he is only permitted to look at and/or to touch the aurah of another

person if there is a genuine need such as to diagnose a medical condition. In the absence of a genuine need he will not be permitted. In the case of a female patient, it is preferable that a female technician performs the scan; however, if the ultrasound involves looking at or touching her private part, then it is compulsory that a female does it. A male will not be allowed to perform the scan in this case unless there is no other option available.

(Ad durrul Mukhtaar Vol. 9 Pg. 619-611)

Note: The aurah of a man is from the navel upto and including the knees, and that of a female is her whole body except for her face and hands. However, a man is not permitted to touch even the face and hands of a ghair mahram female unless there is a genuine need.

Fatwa confirmation for Sealskinz socks.

Q: These are some of the messages that are doing the rounds - together with my responses in ***bold***.

1. “The product is not jaaiz because it is impermissible to kill Seals”

(the product is NOT made with any animal skin – only wool is used.)

2. Slms, I received this from Mufti Motara’s son with regards to the seal skinz & reef moza's:

Some mufti's have sanctioned it and we respect their views. However, someone took both the Reef and Sealskin socks to India last year and showed it to Mufti Farooq of Meerut, who said that it is not permissible to make masah on these socks. Mufti Farooq asked the opinion of other Mufti's as well and they all said that it was not permissible. Mufti Khanpuri said that he will not forbid someone from making masah on them but he himself has not used them for masah. Since seeing that Salaah is such an important Ibaadah, it would be advisable to abstain from using these socks for masah especially when so many Mufti's in India did not approve of it,thus creating a doubt about it's validity.

3. "Also, because the product is no longer made in UK, it is made in China, thats why the quality isn't good anymore, hence it is not jaaiz" –

(*Sealskinz socks have always been made in the UK and continue to be made in the UK – I have personally visited the factory and made my own sock on the production line. Someone has imported the imitation / fake socks from China and it seems the problem is with those ones*)

Wassalaam
General Manager
MIS Distributors

A: I spent a considerable amount of time in personally examining Sealskinz Socks to ensure that the socks

represent the criteria set down by our Illustrious Fuqha for the validity of making masah on leather socks.

My fatwa is only on the sealskinz product distributed by MIS Distributors. I did not see the Reef socks or imitation product of the sealskinz from China.

I confirm having reviewed my previous fatwa on sealskinz and still maintain the same view.

Attached in my previous fatwa.

Q) What is your view regarding making Masah on Sealskinz socks. Do they fulfil the sharii requirement of masah?

A: In order for it to be permissible to wipe on non-leather socks, it is imperative to fulfil all the conditions of leather socks. After thoroughly studying the inherent qualities of leather socks, our illustrious Fuqaha suggest that non-leather socks should resemble leather socks in the following:

1. They should entirely cover both the ankles.
2. They should be durable enough that a person can walk with the sock for three miles without them tearing.
3. Both socks should independently be free from holes to the extent of three small toes.
4. The socks should remain on the leg without it being tied or fastened.
5. They should be such that water does not seep through them.

[Al Mabsoot lil Sarakhsi (1/18, 184 Dar al Fikr), Al Muheet al Burhani (1/343, Al Majlis al Ilmi), Ahkam al Quran lil Jassaas

(3/440, Dar al Kutub al Ilmiyyah), Tuhfa al Mulook (1/33, Dar al Bashaair al Islamiyyah), Majma al Anhur (1/75, Dar al kutub al Ilmiyyah), Al Bahr ar raaiq (1/191, 192 Dar al Ma'rifah), Tabyeen al haqaaiq 1/52 Dar al kutub al Ilmiyyah), Al Fatawa al Hindiyyah (1/32, Dar al fikr), Ad Dur al Mukhtaar (1/269, Dar al fikr), Tuhfa al Ahwadhi (1/278, Dar al kutub al Ilmiyyah), Al Maslak adh Dhaki (1/29, Wajidi Publishers), Fatawa Mahmoodiyyah (5/195, Farooqiyyah), Fatawa Haqqaniyyah (2/216, Dar al Uloom Haqqaniyyah), Kifayah al Mufti (2/321, Farouqiyyah, Fatawa Darul Uloom Zakariyyah (1/509-5516, Zam Zam Publishers)[32]

We have personally examined 'sealskinz' socks and are satisfied that they fulfil all the above-mentioned conditions. One can refer to their website to see the full durability of these socks. **Hence, <u>it is permissible to use 'sealskinz' socks as leather socks and make masah on them.</u>**

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[٣٢] (كتاب الحجة علي أهل المدينة – (ج ١ / ص ٤٤ عالم الكتب)ينبغي لمن قاس علي السنة و الآثار أن يقيس علي السنة ما لم يأت فيه أثر لما قد جاءت فيه الآثار مما يشبهه

(بداية المجتهد- (ج ١ / ص ٥٢ دار الاسلام) و من صح عنده الأثر أو جوز القياس علي الخف أجاز المسح علي الجوربين

شرح فتح القدير - (ج ١ / ص ١٥٧ دار الفكر)لا شك أن المسح على الخف على خلاف القياس فلا يصلح إلحاق غيره به إلا إذا كان بطريق الدلالة وهو أن يكون في معناه ومعناه الساتر لمحل الفرض الذي هو بصدد متابعة المشي فيه في السفر وغيره للقطع بأن تعليق المسح بالخف ليس لصورته الخاصة بل لمعناه للزوم الحرج في النزع المتكرر في أوقات الصلاة خصوصا مع آداب السير

Duaa to be recited at the approach of Ramadhan

Hadhrat Ubaadah bin Saamit (Radi Allahu Anhu) narrates that Rasulullah (Sallallahu Alayhi Wasallam) used to teach the Sahaabah (Radi Allahu Anhum) the following Dua at the approach of the Month of Ramadhaan:

اَللَّهُمَّ سَلِّمْنِيْ لِرَمَضَانَ وَسَلِّمْ رَمَضَانَ لِيْ وَسَلِّمْهُ لِيْ مُتَقَبَّلاً

Allahumma Sallimnee Liramadaana Wa Sallim Ramadaana Lee Wa Sallimhu Mutaqabbala

"O Allah! Safeguard me for the Month of Ramadhaan (by making me see the Month of Ramadhaan healthy and fit so that I can take maximum benefit from it), and safeguard the Month of Ramadhaan for me (by making the conditions in it such that I can take maximum benefit from it) and accept it from me."

(Kanz-ul-ummal, Vol.8, Pg. 584 Hadith 24277)

Every Muslim should endeavor to memorize this dua and recite it in abundance in these few days before Ramadhaan.

Late payment penalties and charges on debts

Q: If an amount of let's say R100,00 is owed to me. I then hand over this debt, for collection to a debt collection agency, who will then charge me a 25% collection fee of all the money they collect. Let's say they do collect the full R100,00 - the agency would pay me only R75,00. Would it be permissible to rather tell the agency that the client owes me R133.34, such that when they collect this R133,34 and deduct their 25% then I would still receive my original

R100,00 owing to me and not loose out the R25,00 if they were to collect on R100,00?

A: In principle, it is incorrect to claim any amount more than your debt.

However, as an alternative, we suggest you enter into an agreement with your debtors that in the event of the debt not being repaid, you (the company) shall hire a debt agency to recover the debt. Any costs in this regard will be borne by the debtor, not by the company.

Compensation for inability to fast due to illness. Qaza or Sadaqa?

Q: Due to my mother's illness, she cannot fast. Is there any way for her to repay for her fast? For example a Zakah she should pay.

A: If your mother is experiencing such an illness that she is unable to fast, due to her deteriorating health, then she will be excused from fasting. If she is expected to recover from her illness, then she has to make up (Qadhaa of) these missed fasts.

However, if the sickness is permanent and there is no hope of recovery then she must offer fidya (monetary compensation) for every missed fast.

The value of this Fidya is the same as Sadaqatul fitr, which is the value of 1.6 kg of wheat or **3.2 kg of**barley. The present average value of 1.6kg of wheat is R17.00 .

(Bahishti Zewar Vol. 3 Pg 20 ; Haashiya Tahtawi ala maraqi al falah Pg 688)[33]

Wife and her demands! Where to draw the line.

Q: I know islaamicaly its encouraged to spend on ones family and the reward you get is like that of giving sadaqah at the same time in Islaam its encouraged not be extravagant and not to be wasteful , allah assist me with this I find it very hard where to draw the line between the 2 of them can you maybe help

Example : a persons wife maybe have 10 pairs of shoes , and now she asks for another pair , even though you do have the money but you refuse to buy saying that we wasting , am I right by doing this in the sense that we wasting ? or should I still be open hearted and buy that pair? i don't mind spending if my family requires food or medical assistance , but when it comes to the matter of clothes I feel that we have so much clothes and we still buying more like this we being wasteful?

A: Islam emphasizes a simple lifestyle that does not put a

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[٣٣] أن المريض إذا تحقق اليأس من الصحة أي صحة يقدر معها على الصوم فعليه الفدية لكل يوم)حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح ص: ٦٨٨

burden on the society nor on the environment because a wasteful, extravagant life leads to a number of problems:

- It makes it difficult for the poor because they will feel compelled to imitate the rich in order to “keep up appearances.”
- Customs are invented and maintained to show off wealth, such as at the time of weddings. This puts a burden on those who do not have enough to provide the same.
- Resources of the Earth are depleted at a rapid and unsustainable pace to cater to the whims of the rich while the poor struggle to get decent food, clothing and shelter.

The key to a simple, content lifestyle is to avoid *isrāf* which means to cross the limit by spending beyond need on an occasion where it is permissible to spend.[34] [35]Need is determined by use, so if you buy an item that you will not use or will use only once or twice, it will be *isrāf* since lack of utilizaton is an indication that you spent on that object beyond need. Some items by their nature are meant to be used only once such as a fire extinguisher, so the nature of the item should also be taken into consideration if its use is meant to be only once or twice – as in the case of an emergency.

If all bought items are regularly utilized or the older items are given away then this will not fall under *isrāf* as long as a person fulfills the following conditions:

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[٣٤] معارف القران، ٥/ ٤٨٩مكتبة دار العلوم كراتشي

[٣٥] السرف والإسراف مجاوزة القصد...والسرف تجاوز ما حد لك...أسرف الرجل إذا جاوز الحد سان العرب، ٩/ ١٤٨دار صادر بيروت

1. He is thankful to Allah for what he has.
2. He is neither arrogant nor boastful about his possessions.
3. His spending on himself and his family does not prevent him from giving to the poor and other avenues of charity.

Allah says:

"....and eat and drink and do not be extravagant. Surely, He does not like the extravagant."

(Surah Al-Araf, 31)

The commentators of the Quran have said that *isrāf* is not limited to eating and drinking only but also applies to clothing, living accommodations, and almost every aspect of life.[36]

With regards to the above verse, it should be kept in mind that women have more of a tendency towards articles of beauty (clothes, shoes, etc.) so their lifestyle differs from males in this regard. As a result women naturally accumulate more clothing and shoes than males. If a person's wife will regularly use the shoes or she will donate her older ones in charity then purchasing additional pairs will be permissible, even if not in conformity with the ideal, simple lifestyle.

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[٣٦] –ثم اختار ابن جرير قول عطاء: إنه نَهْيٌ عن الإسراف في كل شيء. ولا شك أنه صحيح، لكن الظاهر والله أعلم - من سياق الآية حيث قال تعالى: { كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ وَلا تُسْرِفُوا [إِنَّهُ لا يُحِبُّ الْمُسْرِفِينَ] } أن يكون عائدًا على الأَكل، أي: ولا تسرفوا في الأَكل لما فيه من مضرة العقل والبدن، كما قال تعالى: { وَكُلُوا وَاشْرَبُوا وَلا تُسْرِفُوا [إِنَّهُ لا يُحِبُّ الْمُسْرِفِينَ] } [الأعراف : **31**] ، وفي صحيح البخاري تعليقًا: "كلوا واشربوا، والبسوا وتصدقوا، في غير إسراف ولا مخيلة" وهذا من هذا، والله أعلم - تفسير إبن كثير، ٣/ ٣٥٠دار طيبة للنشر والتوزيع

A husband can start by gradually emphasizing to his wife the beauty of simple living and the joy of being content with what one already has. This can be done in a few ways:

- You can ask her to part with one or more of the older pairs of shoes and give them in *sadaqah* (charity) to those less fortunate than her. The same can be applied to clothing and other such items.
- You can ask her to sell the older items and donate that money in *sadaqah*.
- You can begin reading the book, *Fadhāil Sadaqah* for a few minutes daily to instill in family members the spirit of giving and sharing so that they are saved from committing *isrāf*.
- You can read from books that talk about how simple the lives of our pious predecessors (men and women) were and how they were fully content in spite of having very few possessions.
- Before making any purchases, you and your family should keep in mind that on the Day of Judgment we will be accountable for how we spent our wealth.

Insha-Allah, these methods will save one from committing *isrāf* and make one content with a simple life.

Giving out Zakat to one's sister.

Q: Can one give zakat to his sister and Can this be given to her without her knowledge.

A:
1. Giving zakāh to one's poor family (brother, sister etc.) is commendable and liable for extra reward. It is mentioned in a hadīth that by giving charity to one's relatives one receive double a reward, one reward for giving charity and the other for showing kindness to them.
2. Yes it is permissible; it is not necessary to mention, zakāh will be discharged by merely making the intention of zakāh.

(Bahisti Zewar, Pg.346, Zam Zam)

Qadha' for Sajda Tilawats

Q: If a person passed away and he had sajda tilawaats that has not been performed ,how will the family repay it?

A: When one recites a verse of sajda of the Qur'ān or hears such a verse, it is wājib (compulsory) to make*Sajdah tilāwah*.[37]

It is *makrūh* (disliked) to delay *Sajdah Tilāwah*.[38]

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[37] (يَجِبُ) بِسَبَبِ (تِلَاوَةِ آيَةٍ)(الدر المختار وحاشية ابن عابدين (رد المحتار) ٢/ ١٠٣)

[38] وَيُكْرَهُ تَأْخِيرُهَا تَنْزِيهًا(الدر المختار وحاشية ابن عابدين (رد المحتار) ٢/ ١٠٩)

If one did not fulfill his/her *wājib Sajdah Tilāwah* in ones lifetime, and passes away, there is no *fidyah*(compensation) for the missed *Sajdah Tilāwah.* The family should make Istighfar on behalf od the deceased.[39]

(Imdadul Fatawa, Vol 1 Pg 559,
Idārah Tālifāt e Auliyā, Deoband)

Importance of ZamZam Water

Zam-zam water is one of the many signs of Allah Ta'ala. Zam-zam enjoys a lot of virtues and blessings. Below are some virtues:

1. Zam-zam water is from jannah (paradise).
2. Zam-zam is the best water on earth.
3. Zam-zam is a cure for every sickness.

Sayyiduna Ibn Abbās radiallahu anhu reports that Nabi salallahu alayhi wasallam mentioned:

عن ابن عباس رضي الله عنهما قال قال رسول الله صلى الله عليه و سلم خير ماء على وجه الأرض ماء زمزم فيه طعام الطعم وشفاء السقم (الطبراني ج ١١ ص ٩٨ مكتبة ابن تيمية)

The best water on the surface of this world is zam-zam. In it is food for the hungry and cure for the sick.

(Tabarāni 11/98 Maktabah Ibn Taymiyyah)

Nabi sallahu alayh wasallam used to fill Zam-zam in water bags and sprinkle over the ill and give them to drink.

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[٣٩] وَلَا يَجِبُ عَلَى الْمُحْتَضَرِ الْإِيصَاءُ بِهَا(الدر المختار وحاشية ابن عابدين (رد المحتار) ٢/ ١٠٣)

4. The blessed saliva of Nabi sallahu alayh wasallam is mixed in Zam-zam. Sayyiduna Ibn Abbās radial ahu anhu reports that Nabi sallahu alayh wasallam relates that Nabi sallahu alayh wasallam came to the well of Zam-zam so we drew out a bucket of water. Nabi sallahu alayh wasallam drank some water and spat out some back in the bucket. We poured the bucket back into the well. (Ahmad Hadith no.3527)

5. Sayyiduna Jabir radial ahu anhu reports that Nabi sallahu alayh wasallam said:

جابر بن عبد الله يقول سمعت رسول الله صلى الله عليه و سلم : يقول (ماء زمزم لما شرب له) (سنن إبن ماجه رقم الحديث ٣٠٦٢)

Zam-zam is for what it is drank. (i.e. whatever intention/dua is made when drinking Zam-zam it will be fulfilled).

(Ibn Majah hadith no.3062)

6. Drinking a lot of Zam-zam is a sign of Imān and disliking Zam-zam is a sign of hypocrisy.

عن ابن عباس رسول الله صلى الله عليه و سلم: قال (إن آية ما بيننا وبين المنافقين أنهم لا يتضلعون من زمزم) (سنن إبن ماجه رقم الحديث ٣٠٦١)

Sayyiduna Ibn Abbās radial ahu anhu relates that Nabi sallahu alayh wasallam mentioned:

"The difference between us and the hypocrites is that they do not drink a lot of Zam-zam.

(Ibn Majah hadith no.3061)

(Taken from the book Fadhlu Ma'iz Zam-zam).

Despite all these virtues of Zam-zam it is permissible for non-Muslims to drink of it. Upto one year after the conquest of Makkah Mukarramah non-Muslims were permitted to go for hajj and umrah. It is obvious that they too used to drink Zam-zam water.

(Kitābul Fatāwā 4/82)

One should explain them that this is sacred water hence it should be respected and used accordingly.

Discharging Zakat on Trade Goods

Q: I am writing to enquire about Zakaat. My brother and I have a small business of mobile phones we purchase phones and re sell them. Each year we take zakaat out on the goods as well as all the business money. I want to know a few things,

1. Is zakaat payable on goods and money having had the goods and money for 1 whole year or is it payable even it goods and money were aquired in shabaan and we discharge our zakaat every Ramadhan? so do we wait a whole year or simply discharge zakaat every ramadhan based on what we have in regards to goods and money every ramadhan?
2. Do we discharge zakaat on the goods on the amount they were bought for or do we discharge it for the amount we anticipate to sell them for?
3. During ramadhan we discharge parts of our zakaat on a daily basis throughout ramadhan, by the end of ramadhan we have discharged our zakaat, is this valid?

A:
1) Zakat is payable on the goods, money, gold and silver that are in your possession on your "Zakat day" even if they came into your possession a few days before your "Zakat day". Your "Zakat day" is that day of the year (according to Arabic calendar, not Gregorian calendar) on which you first became the owner of nisab (value of 612.35 grams of silver).

For example if the first time you ever became the owner of money equal to the nisab or more was on the 10th of Ramadan, then your "Zakat day" is the 10th of Ramadan i.e. you will calculate your Zakat based on the goods, money, gold and silver that are in your possession on the 10th of Ramadan every year.
2) Zakat is payable on the market value of goods i.e. the amount that they can be sold for.
3) That is fine but the Zakat amount has to be calculated based on the zakatable assets that were in your possession on your "Zakat day" as mentioned in the first answer.

Working as a delivery man for a Pizza Store selling pork

Q: I am living in UK. I am doing full time job as a Web Developer. But, now as my father is retired and doing no job so from my salary I have to send them money. My salary is a bit short according to my expenses so I want to do part-time job but the problem is that where ever I find job does involve HARAM stuff like if I want to work in any supermarket (like Sainsbury, TESCO, ALDI or any Petrol station/Garages etc) they sell Alcohol and HARAM foods which we have to serve/Scan when you are on TILL. Secondly, if I want to do Food Delivery Job like in Pizza Shop (Dominos etc) they sell Pork in PIZZA. Let me tell you one more thing I do have some savings (that I was saving every month for my family like for kid's higher studies or etc but now obviously not saving) and every month I have to take money out from my savings. So, my question is that can I do any work that I mentioned above

in this Circumstances to full fill my expenses every month so that I don't have to take money out from my savings.

1) Can I do Delivery Work in PIZZA shop that sell pork in PIZZA?
2) Can I do work as Sales Assistant where I have to scan Alcohol or HARAM food (like PORK etc) on the TILL?

A: In most stores, a person is paid for making themselves available to carryout work, not for the actual work itself. For example, the employee is paid the same regardless of how much work needed to be completed or was actually completed on a particular day. In fact, on a slow day at the store, if the employee has no work to do, he is still paid regardless.

Therefore, when a person works at the store, his pay is not from the actual scanning of items at the cash register or from the deliveries. Rather, he is paid for his time he dedicated to the store to carryout whatever work he is asked to perform.

Hence, even though the actual act of scanning the alcohol or delivering harām food is not proper, his income is still completely halāl. However, while continuing his employment at the store where he has to perform such actions, he should still actively look for employment where he will not fall into such predicaments, such as working as a clothing store, for example.

Du'aa at the time of iftaar

Du'aa at the time of Iftaar

Sayyidunā `Abdullāh ibn `Amr (Radiyallāhu Ta'ālā `anhu) narrates that I heard Nabi (Sallallāhu `alayhi wassalam) saying: A fasting person has an accepted du`ā (prayer) at the time of iftār (time when he breaks his fast).

It was the habit of Sayyidunā `Abdullāh ibn `Amr (Radiyallāhu Ta'ālā `anhu) to call his wife and children at the time of iftār and make du`ā.

Ibn Mulaykah (Rahimahullāh Ta'ālā) mentions that I heard Sayyidunā `Abdullāh ibn `Amr (Radiyallāhu Ta'ālā `anhu) making the following du`ā when he broke his fast:

اَللَّهُمَّ إِنِّي أَسْأَلُكَ بِرَحْمَتِكَ الَّتِيْ وَسِعَتْ كُلَّ شَيْءٍ أَنْ تَغْفِرَ لِيَ

Allahumma inni As-aluka Bi-Rahmati kallati Wasi`at Kulla Shai'in An Taghfirlee

O Allāh! I ask You through Your all encompassing mercy to forgive me

(Tafsīr Ibn Kathīr 1/509) [40]

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[٤٠] تفسير ابن كثير - (١ / ٥٠٩)

كما رواه الإمام أبو داود الطيالسي في مسنده:حدثنا أبو محمد المليكي، عن عمرو -هو ابن شعيب بن محمد بن عبد الله بن عمرو، عن أبيه، عن جده عبد الله بن عمرو، قال: سمعت رسول الله صلى الله عليه وسلم يقول: "للصائم عند إفطاره دعوة مستجابة". فكان عبد الله بن عمرو إذ أفطر دعا أهله، وولده ودعا

Some clarifications related to Tableegh Jamat

Q: I pray that you are well in this blessed month. Can you or a Tablighi Aalim provide answers to these questions please? Here Tabligh is referred to the, 4 months/days, mashwera, ghush ...etc Tabligh.

1. Is Tabligh the only way for self rectification?

1a. Is Tabligh the only way to get to close to Allah swt?

2. Must everyone go to Tablighi Jamaat?

3. Is Tabligh the most effective way for dawah?

4. Allah (swt) says in the Holy Quran: "And let there among you be a group of people who invite to all that is good, who enjoin what is right and forbid what is wrong." (3:104), is this referring to Tabligh or general dawah? Why only a group and not everyone?

5. When did Tabligh begin?

6. When Tablighi's talk about sacrifice and effort, generally speaking how much sacrifice/effort must a person make?

A:

1. Is Tabligh the only way for self rectification?

Tazkiya (self rectification) is one of Islam's major fields. While we have been commanded to make our actions according to Qur'an and Sunnah, we have also been

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وقال أبو عبد الله محمد بن يزيد بن ماجة في سننه: حدثنا هشام بن عمار، أخبرنا الوليد بن مسلم، عن إسحاق بن عبيد الله المدني، عن عبد الله بن أبي مليكة، عن عبد الله بن عمرو، قال: قال النبي صلى الله عليه وسلم: "إن للصائم عند فطره دعوة ما ترد".. قال عبد الله بن أبي مليكة: سمعت عبد الله بن عمرو يقول إذا أفطر: اللهم إني أسألك برحمتك التي وسعت كل شيء أن تغفر لي

commanded to instill sincerity (ikhlas) in our hearts. Allah Ta'ala has in fact mentioned that one who rectifies himself has without a doubt succeeded for hereafter.

قَدْ أَفْلَحَ مَنْ تَزَكَّى

He who purifies himself has certainly succeeded.

(Qur'an 87:14)

For such an integral aspect of deen, Allah Ta'ala has given different means for its accomplishment, such as Tasawuf, Ilm and Tadrees, Da'wah etc. Tablīgh Jamāt is just one of many such forms of self-rectification.

At the same time, in a global village it is not easy for everyone to harness the true potential of any one of these means to attain self rectification. Allah Ta'ala has blessed Tabligh Jamaat with such a worldwide acceptance with its core characteristics revolving around Ikhlas and Tazkiya, that it can easily be termed as one of the most easily accessible form of Da'wah as well as gaining proximity towards Allah.

1a. Is Tabligh the only way to get to close to Allah swt?

No, Tabligh is one of many forms of gaining proximity of Allah. While that is the case, Tabligh Jamat does offer a variety of different characteristics which are an integral in gaining Allah's proximity.

2. Must everyone go to Tablighi Jamaat?

Every person can engage in the work of Tabligh Jamat. The purpose is to connect oneself to Allah Ta'ala in whatever

way or form. It is not necessary to connect oneself through only one medium.

At the same time if one is involved in one field, one should not look down at the other fields. The acceptance of one's efforts is in the hands of Allah and not in certain specific field of the effort.

3. Is Tabligh the most effective way for dawah?

Tabligh Jamat is indeed one of the most potent forms of Da'wah in current times. All it requires is for one to spend time. There are other forms of da'wah as well, but the acceptance and outreach which Allah has afforded to Tabligh Jamat is hardly matched.

4. Allah (swt) says in the Holy Quran: "And let there among you be a group of people who invite to all that is good, who enjoin what is right and forbid what is wrong." (3:104), is this referring to Tabligh or general dawah? Why only a group and not everyone?

The Ayah refers to all those who are striving to spread the deen of Allah. Tafsīr ibn Kathīr mentions under the Ayah (3:104):

Ad-Dahhāk mentioned, "These are a special group of the Companions and a special group of those after them, that is those who perform Jihad and the scholars." Abu Ja'far Al-Baqir said that Rasulullah salallahu alayhi wasallam recited the verse "And let there among you be a group of people who invite to all that is good" and then said, "The Khayr is following of Qur'an and my Sunnah".

The objective of this Ayat is that there should be a group in this Ummah fulfilling this task, even though it is also an obligation on every member of this Ummah, each according to his ability. Muslim recorded that Abu Hurayrah said that the Messenger of Allah said,

«مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِع فَبِقَلْبِهِ، وَذلِكَ أَضْعَفُ الْإِيمَان»

(Whosoever among you witnesses an evil, let him change it with his hand. If he is unable, then let him change it with his tongue. If he is unable, then let him change it with his heart, and this is the weakest faith.)[41]

It is evident from this Tafsir that the duty is not solely for one group, rather for everyone. However the Ayah suggests that one group should specialize in this field.

We can understand it from an aspect of a corporate business. The company will have many different departments. Every department will be excelling and specializing in their fields, like Marketing, Accounting, Research and Development etc. Every individual within these different depatyment may specialize in their particular field, but at one level or another they all promote that

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[٤١] قَالَ الضَّحَّاكُ: هُمْ خَاصَّةُ الصَّحَابَةِ، وَخَاصَّةُ الرُّوَاةِ يَعْنِي الْمُجَاهِدِينَ وَالْعُلَمَاءَ، وَقَالَ أَبُو جَعْفَرٍ الْبَاقِرُ، قَرَأَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: {وَلْتَكُن مِّنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ} ثُمَّ قَالَ: «الْخَيْرُ اتِّبَاعُ الْقُرْآنِ وَسُنَّتِي» (أخرجه ابْنُ مَرْدَوَيْهِ) وَالْمَقْصُودُ مِنْ هَذِهِ الْآيَةِ أَنْ تكون فرقة من هذه الْأُمَّةِ مُتَصَدِّيَةٌ لِهَذَا الشَّأْنِ، وَإِنْ كَانَ ذَلِكَ وَاجِبًا عَلَى كُلِّ فَرْدٍ مِنَ الْأُمَّةِ بِحَسْبِهِ كَمَا ثَبَتَ فِي صَحِيحِ مُسْلِمٍ عَنْ أَبِي هُرَيْرَةَ قَالَ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ الْإِيمَانِ» [مختصر تفسير ابن كثير ١/ ٣٠٦]

company. They all market for the goal of that company. However, this does not diminish the specialized department of Marketing itself. Similarly in our deen, those who specialize in the field of Da'wah and Tabligh will carry out the commands of spreading deen with much more vigour than those exerting their energies in other fields.

A muslim doctor would carry out his obligation Tableegh and Da'wah towards his patients as well as carrying out his civic duty to look after their health as well. Such a person is also part of this group mentioned in the Ayah, but his role will not be as encompassing as the person who has taken out time especially for the field of Da'wah. Similarly, an Alim will carry out all his obligations along with disseminating knowledge to the masses. This will be his way of fulfilling this Ayah's obligation and being written among this special group.

5. When did Tabligh begun?

Mufti Abu Yahya Saheb has given a brief account about Tabligh Jamat in his detailed response. Please read :http://www.askimam.org/fatwa/fatwa.php?askid=16332e682fc01b61c002a9ba9e9d1bf5

6. When Tablighi's talk about sacrifice and effort, generally speaking how much sacrifice/effort must a person make?

As a principle, rewards in the path of Allah are according to ones sacrifice. One who will sacrifice more is worthy of more reward from Allah. In history Sahaba and our pious

elders radiallahu anhum have spent their lives in spreading the deen of Allah.

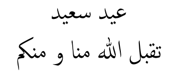
However, we cannot expect that all the ummah will be able to spend so much time and efforts towards this particular cause of deen. For this reason Tableegh Jamat has set out a system whereby every individual can exert to the extent of his own capacity and spend as much time and effort as possible.

Special Eid Message from Mufti Ebrahim Desai

The concept of celebrating in Islam is based on a religious achievement.

All the conjunctions of Shariah are narrowed down to one thing – Taqwa. Alhamdulillah, Allah put us through a spiritual exercise to achieve taqwa. Make shukr to Allah for this great bounty.

Now is the challenge to exercise taqwa. Keep away from all sins and preserve this most precious gift of taqwa. It is only then will we enjoy the true recognition of Allah and gain His wilaayat (friendship).



- Mufti Ebrahim Desai

Is it permissible to use Facebook?

Q: I am a student of Deen and want to learn and spread Islam. I use the internet extensively for this purpose. Also, because I am studying computer sciences, I spend most of my time on computers checking my mail etc. I was a facebook user until a year ago. I deactivated my account because our ulama wanted us to, based on the blasphemous events that took place in it.

But now, a year or so after this incident, I see a lot of people who seem to be very pious and are daa'ees of Islam using it for the sake of da'wat. Many of my friends and relatives also use it to share things even after being told not to. So if I send them any e-mails, most of them go unread. I think and hope that if I use facebook to share Islamic things with them it would be beneficial for them. And, secondly, I would be able to see what my relatives and friends are up to so that I may think and care about them.

So I want to ask you if I can use facebook for the sake of spreading Islamic awareness and to know what my friends and relatives are up to as I see no other available way. I will be very grateful if you could guide me on this.

A: You mentioned that you want to spread Deen and raise awareness of Islam. We commend you for this intention and pray that Allah, the Almighty gives you the ability to do so. However, you also mentioned that you would like to try and do this on facebook, a website based on the intermingling

of the sexes and communicating with *non mahram* [42] people, which, unfortunately, some Muslims nowadays don't consider to be a sin. They consider it to be the 'norm' and say that there's nothing wrong with it.

Allah, the Almighty says in the Quran:

قُل لِّلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ .ذَٰلِكَ أَزْكَىٰ لَهُمْ. إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ

"Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allah is acquainted with what they do."

(Qur'an 24:30)

This ayah is not restricted to the men because further on Allah gives women the same order.

وَقُل لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا. وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ

And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and to wrap [a portion of] their head covers over their chests

(Qur'an 24:31)

If we look at the state of the Muslim youth nowadays, we will see that they have become so modernised that intermingling has become common until the extent that the Muslim girls do not even cover their heads let alone their faces and they freely misbehave, joke and interact with the

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[42] A non mahram is that person with whom marriage is permissible

opposite gender. Then friends take pictures of these people and upload them on facebook just so all their other friends and relatives can see the pictures which is obviously wrong.

Also you mentioned that your family and friends 'share' things on facebook. When you flick through their photo albums, you will inevitably see people who may or may not be their mahaarim, but they certainly won't be yours. And even if you don't go through their photo albums, when you look at their 'walls', the profile pictures of all the non mahram people that post on their wall will be visible to you. At first, you may have the power to control yourself and not interact and communicate with them, but over a period of time you will start to. (You cannot place butter in a hot pan and claim that it won't melt).

Some people may claim that merely looking at a photo of someone else is not harmful as long as one isn't interacting with that person. There is a saying that 'butter next to fire will melt. Every person knows that they have their base desires. The uncontrollable attraction to the opposite sex. And what guarantee does one have that he will stop at just viewing the photo? That he won't feel like interacting with the girl in the picture. That because the girl in the picture has put on make up to try and make herself look more beautiful, he won't start to lust after her and comment on the picture and eagerly await a reply. And then when he feels the moment is right, he'll send a friend request?! And the more friends you have, the more likely it is that you will end up looking at the pictures of non mahram people, even if you haven't befriended them yourself.

We are not negating the fact that there are benefits of using facebook; however the harms of using facebook outnumber the benefits. Allah says:

وَإِثْمُهُمَا أَكْبَرُ مِن نَّفْعِهِمَا

"Their sin is greater than their benefit."

(Qur'an 2:219)

People need to realise that facebook and other social networking sites are just **a** mean of spreading Islam and raising awareness. They are not **the only** means for this. People use Deen as an excuse to sign up to these sites, then they eventually forget their 'original purpose' and become like all the other users.

You also mentioned that you want to use facebook to see what your friends and family are up to. This is also not a valid excuse at all because most people don't disclose important information that needs to be told to others on social networking sites. If it is urgent and you need to know about it, they will call you. Many of the people on facebook and other sites keep on changing their status to unimportant and petty things like 'I'm going for a haircut' or 'I'm going to sleep now'. If you really need to communicate with them, you may do so by calling once in a while...

Is reading these kinds of statuses the kind of thing you want to spend your time indulged in. Even when the Prophet s.a.w has said:

"It is from the good of ones Deen that he leaves those things that do not concern him."

(Tirmidhi Hadith no.2318)[43]

And:

"The dwellers of paradise will only regret the time they spent in the world not doing the dhikr of Allah"

(Baihaqi)[44]

So do you really want to regret the time you wasted reading an unnecessary status of another person and browsing their pictures.

If you are haven't already done anything that you regret, there is no need to enter into something that has the potential to make you do something you will come to regret.

Clarification on Hadith of migration at time of Fitna

Q: What is the meaning of the hadith regarding migrating in the age of fitna? How shall I preserve my faith?.

A: Imam Bukhari narrates in his authentic compilation of hadith that the Prophet (Allah bless him and give him peace) said,

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[٤٣] "من حسن إسلام المرء تركه ما لا يعنيه" (الترمذي رقم الحديث ٢٣١٨)

[٤٤] لَيْسَ يَتَحَسَّرُ أَهْلُ الْجَنَّةِ إِلا عَلَى سَاعَةٍ مَرَّتْ بِهِمْ لا يَذْكُرُونَ اللَّهَ عَزَّ وَجَلَّ فِيهَا

"A time will come that the best property of a Muslim will be sheep, which he will take on the top of mountains and the places of rainfall (valleys) so as to flee with his religion from Al-Fitan (afflictions and trials)." (Sahih al-Bukhari 1/7 Qadeemi kutub khana)[45]

The scholars of Hadith state that the meaning of 'al-fitan' is that scenario where there is widespread violation of the laws of Allah Ta'ala. In addition, for one to practice upon Islam it is extremely difficult and the means to practice are all but gone. Such a time is regarded as al-fitan.

This hadith is not promoting celibacy. Instead, it is highlighting the last resort to preserve one's faith. (In'aam al-Baari 1/404 Maktabah al-Hiraa)

Furthermore, if a person is trapped in the web of al-fitan and he has the strength and courage to counter these trials, then it will be compulsory for him to try his utmost to vanquish these trials. If he is weak and unable to face the severity of the trials, it is better for him to migrate. (Umdah al-Qaari 1/224 Maktabah at-tawfiqiyyah)[46]

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[٤٥] قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " يُوشِكُ أَنْ يَكُونَ خَيْرَ مَالِ الْمُسْلِمِ غَنَمٌ يَتْبَعُ بِهَا شَعَفَ الْجِبَالِ وَمَوَاقِعَ الْقَطْرِ ، يَفِرُّ بِدِينِهِ مِنَ الْفِتَنِ.(صحيح البخاري ج ١ ص ٧ قديمي كتب كانه)

[٤٦] فيه فضل العزلة في أيام الفتن إلا أن يكون الإنسان ممن له قدرة على إزالة الفتنة فإنه يجب عليه السعي في إزالتها..... والمختار تفضيل الخلطة لمن لا يغلب على ظنه الوقوع في المعاصي (عمدة القاري ج ١ ص ٢٢٤ مكتبة التوفيقية)

Let alone a common Muslim, every Muslim should constantly be striving to preserve his faith. There are some deeds every Muslim should do daily without fail to safeguard his/her faith. Below is a checklist which everybody should try and adhere to. Every night, take account of yourself and see if you practiced the '5 points'.

1) Men must perform their 5 times salaah in the masjid with the congregation. Likewise, women should perform 5 times salaah at home in the recommended time.
2) Recite a portion of the Quran daily according to one's capacity.
3) Study the English translation of the Quran for 10-15 minutes daily. We recommend Ma'ariful Quran by Mufti Muhammad Shafi sahib or Tafseer Uthmani by Maulana Shabeer Ahmed Uthmani sahib (Allah have mercy on them).
4) To perform zikr (remembrance of Allah) daily. The recitation of 100 times Salawaat on the Prophet (Allah bless him and give him peace), a 100 times Istighfaar and a 100 times third kalimah some time in the morning and evening.
5) Do your utmost to fulfil the rights of people. Do not oppress or hurt anyone.

If there is a downpour of rain and we see shelter, we immediately run to that shelter. Likewise, when there is a downpour of trials, the shelter is the company of the pious and god-fearing. Frequent the gatherings of the pious in your locality. Also, try and spend some time with the brothers in Tabligh Jama'ah. It is a praiseworthy movement with the sole aim of refreshing and reviving the faith of the people.

Is it permissible to sell church skirts?

Q: A supplier is selling a type of skirt called a 'church skirt', which customers use in a church. Are we allowed to buy and sell this skirt?

A: It is permissible for a Muslim to buy and sell the type of skirt in reference.[47]

[47] وَفِي الْمُحِيطِ لَا يُكْرَهُ بَيْعُ الزَّنَانِيرِ مِنْ النَّصْرَانِيِّ وَالْقَلَنْسُوَةِ مِنْ الْمَجُوسِيِّ - فتاوى الشامى – ج ٦ – ص ٣٩٢– ايج ايم سعيد
فتاوى محمودية – ج ٢٤ – ص ١٤٩ - مكتبه محموديه
تبيين الحقائق – ج ٦ – ص ٢٩– مكتبه امداديه

Does one have to distribute profits of a partnership equally?

Q: I and a few friends of mine have planned to start an engineering consulting firm together. We have planned for two roles:

1) As a consultant general. Meaning of consultant: Consultants are individuals that typically work for themselves but may also be associated with a consulting firm. They, for a fee, give advice or provide a service in a field of specialized knowledge or training. The consultants can work alone or with the clients' staff. So as a firm we will get money from them and provide technical support to them (out sourcing).
2) As a consult staffing company: a company that provides consultants to the clients (like manpower consulting). This is particularly common in the technology sector. Consultants are often called contractors in the technology sector in reference to their employment contract. When a client demands their need for manpower, we will select a few people or take an interview of them and make them work for that client under our name. Then that client will send us the payment.

Our doubt is; we are from different areas. So how should we share the profit and loss amongst ourselves? One of my friends is doing design, and the other is handling the manpower. If the one handling the manpower gets more income than the one who does the design, do we have to

share it amongst ourselves equally or can we have some percentage of sharing? Please advise us what to do?

A: The type of contract that you and your friends hope to implement is called شركة الابدان (shirkatul abdaan. This is when two or more people decide to work together without any capital (no money invested from either party) and agree to split the profits between them according to the agreement they make (can be equal or different percentages). It will be permissible whether the craft/ line of work is the same or different. And it will also be permissible whether the partners are from different places or the same place.[48]

We recommend that you have a contract drawn up that clearly states the terms and conditions of the contract and the allotted profits etc, and you should keep the following Hadith-e- Qudsi in mind:

يقول الله تعالى : أنا ثالث الشريكين ، ما لم يخن أحدهما صاحبه . فإذا خان خرجت من بينهما (المستدرك رقم الحديث ٢٣٢٢)

Allah the Almighty says: '*I am the third of two partners as long as they don't deceive each other. Then when they deceive each other, I leave them.*'

(Mustadrak hadith no.2322)

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[48] وَأَمَّا شَرِكَةُ الصَّنَائِعِ) وَتُسَمَّى شَرِكَةَ الْأَبْدَانِ وَشَرِكَةَ الْأَعْمَالِ وَشَرِكَةَ التَّقَبُّلِ .

(قَوْلُهُ : فَالْخَيَّاطَانِ وَالصَّبَّاغَانِ يَشْتَرِكَانِ عَلَى أَنْ يَتَقَبَّلَا الْأَعْمَالَ وَيَكُونَ الْكَسْبُ بَيْنَهُمَا فَيَجُوزَ ذَلِكَ) وَسَوَاءٌ اتَّفَقَتْ أَعْمَالُهُمْ ، أَوْ اخْتَلَفَتْ فَالشَّرِكَةُ جَائِزَةٌ كَالْخَيَّاطَيْنِ ، وَالْإِسْكَافَيْنِ ، أَوْ أَحَدُهُمَا خَيَّاطٌ ، وَالْآخَرُ إسْكَافٌ ، أَوْ صَبَّاغٌ. (الجوهرة النيرة شرح مختصر القدوري)

On what price do we calculate zakat for stock in trade?

Q: Most businessmen I know pay zakaat on stock in trade at cost price , not selling price. Please confirm which is the correct value to be used?

A: When calculating Zakat, the market related value of the stock in trade will be considered on the day the Zakat is due.[49]

Injecting brine solution in frozen chicken.

Q: Some poultry abattoirs inject Brine into the chickens in the process between slaughter and packing. This reportedly serves to elongate shelf life of the chickens. But it also increases the size of the chickens as well as the weight.

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[٤٩] الزكاة واجبة في عروض التجارة كائنة ما كانت إذا بلغت قيمتها نصابا من الورق والذهب كذا في الهداية ... وتعتبرالقيمةعندحولانالحول
الفتاوى الهندية – ج ١ – ص١٧٩ - ١٨٠- مكتبه رشيديه
فِي عَرْضِ تِجَارَةٍ قِيمَتُهُ نِصَابٌ
فتاوى الشامى – ج ٢ – ص ٢٩٨ ، فتاوى الشامى – ج ٢ – ص ٢٨٦ – ٢٩٩ – ايج ايم سعيد ، البحر الرائق – ج ٢ – ص ٢٢٩ - ايج ايم سعيد ، البناية شرح الهداية – ج ٤ – ص ١٠٤ – ١٠٥ – المكتبة الحقانية ، فتاوى محموديه – ج ١٤ – ص ١٣٠ – مكتبه محموديه ، فتاوى حقانية – ج ٣ – ص ٥٤٢ – جامعه دار العلوم حقانيه ، آپ کے مسائل اور ان کا حل– ج ٣ – ص ٤٢١

A: Brine injection in poultry carcass is an industrial practice to enhance the taste, tenderize the meat and prolong the shelf life.

This practice is generally governed by Department of Agriculture, Forestry and Fisheries.[50]

The practice of using salt as a preservative was prevalent in older times as well.[51]

However, since injecting brine solution increases the weight of the chicken carcass, this increase in weight should be clearly mentioned on the packaging. This is a legal requirement as well. Concealing this increase in weight due to the brine solution may lead to deception.

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[50] **http://www.pmg.org.za/report/20110322-department-agriculture-department-trade-industry-poultry-brine-inject** ***(accessed 21st Sept. 2011)***

[51] فِي الْمُغْرِبِ سَمَكٌ مَلِيحٌ وَمَمْلُوحٌ وَهُوَ الْقَدِيدُ الَّذِي فِيهِ الْمِلْحُ (الدر المختار وحاشية ابن عابدين (رد المحتار) ٥/ ٢١١)

ينبغي أن يحترموا ويعظموا ويرجع إليهم ولأن الملح يحفظ الطعام ويمنع من ورود الفساد عليه - فيض القدير (٥/ ٥١٦)

Is it permissible for Islamic Radio Stations to use facebooks?

Q: (Continuing from your article about abstaining from facebook). Is it then permissible for Islamic radio stations to use facebook and twitter?

A: It was stated in the previous article:
"You mentioned that you want to spread Deen and raise awareness of Islam. We commend you for this intention and pray that Allah, the Almighty gives you the ability to do so. However, you also mentioned that you would like to try and do this on facebook, a website based on the intermingling of the sexes and communicating with *non mahram* people, which, unfortunately, some Muslims nowadays don't consider to be a sin. They consider it to be the 'norm' and say that there's nothing wrong with it..."

The same statement can be applied to this question. Many radio stations have a good intention when they initially make a facebook or twitter page, but the users and 'fans/ followers' are generally of a mixed gender. Therefore, if the radio station is able to ensure that there will be segregation on their website, there will be no harm in using facebook or twitter to assist the radio station. However, if someone looks at the 'islamic' groups on facebook or twitter, they will see that majority of the groups do not implement this and they will see the amount of unlawful interaction there is between the sexes.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۖ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۚ وَاتَّقُوا اللَّهَ ۖ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty."
(Qur'an 5:2)

The shari ruling will be according to the measures taken by the radio station to ensure that their 'page/ wall...' is sharia compliant.

Is it permissible to work for an NGO?

Q: I am working in a NGO, the organization name is 'save the children', I am an agricultural officer, and our work is to motivate people to sow vegetables. To motivate them we go to people homes and sometimes communicate with men. Our organization is basically from the USA and our salary comes in the form of dollars and my friend say that is a Haraam salary, please guide me as I am unsatisfied by my job. I feel that I have done a great sin. I have not found peace anywhere.

A: Agriculture is commendable and encouraged in Islam.

Many verses of the Quran and Ahadith refer to agricultural activities.

Allah Ta'aala says;

أَفَرَأَيْتُم مَّا تَحْرُثُونَ (٦٣)أَأَنتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ (٦٤)

Well, tell Me about that (seed) which you sow: Is it you who grow it, or are We the One who grows?

(Qur'an 56:63-64)

It is mentioned in a Hadith,

"A Muslim who plants a tree or grows a crop, and then, a man, bird or animal eats of it, it will be charity on his part."

Sahih Bukhari 2/817 , Dar ibnKatheer , Al Yamaama[52]
Sahih Muslim 3/1189 , Dar Ihyaa Al turaath Al Arabi , Beirut

You stated that your work is to motivate people to sow vegetables.This service is Shariah compliant and your salary will also be Shariah compliant.

We understand you are a female. If our understanding is correct, then we also take this opportunity to remind you to observe the Shariah laws of Hijab.Cover yourself appropriately and do not interact with males unnecessarily.

Peace lies in conforming to the Sharia at all times and also making the Zikr of Allah.

Living in a house bought through a loan from a bank

[٥٢] حدثنا قتيبة بن سعيد حدثنا أبو عوانة (ح) وحدثني عبد الرحمن بن المبارك حدثنا أبو عوانة عن قتادة عن أنس رضي الله عنه قال : قال رسول الله صلى الله عليه و سلم (ما من مسلم يغرس غرسا أو يزرع زرعا فيأكل منه طير أو إنسان أو بهيمة إلا كان له به صدقة) (صحيح البخاري – ج ٢ – ص ٨١٧ - دار ابن كثير ، اليمامة – بيروت)

Q: My father owns 2 businesses, business A being his main business and B being his second. Both run independently, one can servive without the other. He also has many properties. These properties are earning a rental income. The rental from one of his properties is used to run madressas which is part of his charitable fund.

In business A he uses an overdraft facility and loans from commercial banks for his cash flow, to run his bussiness, which he is paying intrest on. It has been suggested to him to sell bussiness b and some properties so that he will have enough money to run business a without paying intrest.he has had good offers for business b and his properties, however he is not interested. The problem of paying intrest has been explained to him but he does not want to listen.

He is also living in a home where he as a bond. He does have another apartment which is vacant, which he can sell to pay off his bond. He also refuses to do this.

I and my sisters all live in homes provide by my father, which were purchsed on bonds. These homes have now been paid for.we also have a second property each purchased in the same manner. We also receive a monthly income from our father.

Alhumdulilahallah (s.w.t) has given some understanding of deen and we are now concerned about our situation. Please could you answer the following qustions?

Q1) can we live in these homes knowing intrest was paid on them.

Q2) is the money that we receive every month halaal for un knowing that the business is being run on intrest.
Q3) should he be going for haj and umrah every year and running madressas when he is paying intrest in his bussiness and living in a bonded property.

A: Alhamdolillah, Allah granted you understanding of Deen that interest is haram. Continue advising your father with respect and wisdom.

There are two issues here:
a. To buy a house on bond or to run a business with interest and loan.
b. Ownership of the house.

It is haraam (strictly prohibited) to take an interest loan to purchase a house or to run a business.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِنْ كُنْتُمْ مُؤْمِنِينَ (٢٧٨) فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ وَإِنْ تُبْتُمْ فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ (٢٧٩)

O ye who believe! fear Allah and relinquish what remains of interest, if you are believers. But if you do it not, then beware of war from Allah and His Messenger; and if you repent, then you shall have your original sums; thus you shall not wrong, nor shall you be wronged. (Qur'an 2:279-280)

Rasulullah salallahualayhi wasallam cursed the one who consumes Ribā, or gives it, or stands witness for it ormakes out the contractfor it.(Abu Dawud hadith no.3333)[53]

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٥٣ عن ابن مسعود ، قال : لعن رسول الله صلى الله عليه وسلم آكل الرباوموكله وشاهديه وكاتبه (أبو داود رقم الحديث ٣٣٣٣)

However, your father will be the owner of the house. If he gave you the house or any moneys as a gift, it will be valid as your father’s major source of income is from halaal.[54]

Alhamdolillah, your father can afford to gofor Hajj or Umrah every year. You shouldcontinue to making him understand that the noorhe will attain from his Hajj or Umrah (or any other Ibaadat) may get spoiled by dealing in interest. Therefore you have to advise your father to abstain from interest bearing loans.

Putting Jewellery on children's name

Q: Can we hand over ownership of jewellery on the name of our children who have not reached the age of puberty (nabaligh)? In this scenario is it necessary to give Zakat on the jewellery?

A: If the ownership of the jewellery is transferred to the children then *Zakat* would not be compulsory on the jewellery. When the children become adults (*baligh*), if the jewellery they possess reaches the threshold of *Nisāb,* then

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[٥٤] أهدى إلى رجل شيا او اضافه إن كان غلب ماله من الحلال ، فلا باس به... (العالمكيرية ٣٤٢/٥)

after one Lunar year *Zakat* would be compulsory on the jewellery.[55]

However, it is necessary that the transfer of ownership of the jewellery is done using explicit terms or by an action which indicates the transfer of ownership (e.g. taking possession of the jewellery).[56] Furthermore, the transfer should be done by the father and if this is not possible than it should be done by any trustee of the father and preferably in the presence of witnesses.[57]

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[55] (قَوْلُهُ عَقْلٌ وَبُلُوغٌ) فَلَا تَجِبُ عَلَى مَجْنُونٍ وَصَبِيٍّ لِأَنَّهَا عِبَادَةٌ مَحْضَةٌ وَلَيْسَا مُخَاطَبَيْنِ بِهَا . رد المحتار (ص ٢٥٨ / ج ٢ / المكتبة الشاملة)

اعلم بأن شروط وجوب الزكاة ستة أشياء العقل والبلوغ والنصاب والإسلام وحولان الحول والحرية . خزانة الفقه (ص ٣٠ / مخطوط)

كالصبي إذا بلغ يعتبر ابتداء الحول من وقت البلوغ . طوالع الأنوار (ص ٧ ب / ج ٣ / مخطوط)

[56] م: والقبض الذي يتعلق به تمام الهبة بإذن الواهب، وذلك نوعان صريح ودلالة. الفتاوى التاترخانية (ص ٤٢١ / ج ١٤ / مكتبة زكريا)

قَالَ فِي الْيَنَابِيعِ الْقَبْضُ يَقُومُ مَقَامَ الْقَبُولِ حَتَّى إنَّهُ إذَا قَالَ لَهُ وَهَبْت لَك عَبْدِي هَذَا وَالْعَبْدُ حَاضِرٌ فَقَبَضَهُ جَازَ إنْ لَمْ يَقُلْ قَبِلْت، وَكَذَا لَوْ كَانَ الْعَبْدُ غَائِبًا، فَقَالَ وَهَبْته مِنْك فَاذْهَبْ فَاقْبِضْهُ وَلَمْ يَقُلْ قَبِلْت فَذَهَبَ وَقَبَضَهُ جَازَ . الجوهرة النيرة (ص ٣٢٥ / ج ١ / المكتبة الشاملة)

وشروط صحته: أن يكون بإذن المالك صريحا ، نحو: اقبضه أو أذنت لك بالقبض، أو رضيت، وما شاكل ذلك. فيجوز قبضه ولو بعد الافتراق. أو دلالة، وذلك أن يقبض العين في المجلس ولا ينهاه. شرح القواعد الفقهية للشيخ أحمد الزرقا (ص ٢٩٩ / دار القلم)

[57] الْمَوْهُوبُ لَهُ إنْ كَانَ مِنْ أَهْلِ الْقَبْضِ فَحَقُّ الْقَبْضِ إلَيْهِ، وَإِنْ كَانَ الْمَوْهُوبُ لَهُ صَغِيرًا أَوْ مَجْنُونًا فَحَقُّ الْقَبْضِ إلَى وَلِيِّهِ، وَوَلِيُّهُ أَبُوهُ أَوْ وَصِيُّ أَبِيهِ ثُمَّ جَدُّهُ ثُمَّ وَصِيُّ وَصِيِّهِ ثُمَّ الْقَاضِي وَمَنْ نَصَّبَهُ الْقَاضِي،

Additionally, since the jewellery in this case now belongs to the children it would not be permissible for someone else to use this jewellery.[58]

Is name giving ceremony permissible

Q: 1) My wife will soon be giving birth inshallah to our first child. This is obviously a very happy and joyous occasion for our family. It has always been a tradition in my family to have a specific day set aside to invite the close relatives to attend a "name giving" ceremony for the newborn child. Is

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سَوَاءٌ كَانَ الصَّغِيرُ فِي عِيَالِ وَاحِدٍ مِنْهُمْ أَوْ لَمْ يَكُنْ، كَذَا فِي شَرْحِ الطَّحَاوِيِّ. الفتاوى الهندية (ص ٣٩٤ / ج ٤ / المكتبة الشاملة)

وفي الخانية: إذا وهب أجنبي لصغير لحق قبض الهبة، والقبول يكون للأب، فإن مات الأب أو غاب غيبة منقطعة كان ذلك لوصي الأب الخ . الفتاوى التاترخانية (ص ٤٦٨ /ج ١٤ / مكتبة زكريا)

م: قال محمد في الأصل : كل شيء وهبه لا بنه الصغير ، وأشهد عليه ، وذلك الشيء معلوم في نفسه فهو جائز ، والقبض أن يعلم ما وهبه له ، والإشهاد ليس بشرط لازم ، فإن الهبة تتم بالإعلام ، ولكن ذكر الإشهاد احتياطا احترازا عن الجحود إذا كبر الولد ، وفي الفتاوى الخلاصة: بخلاف ما إذا كان الابن بالغا حيث يشترط قبضه وإن كان في عياله . الفتاوى التاترخانية (ص ٤٦٣ / ج ١٤ / مكتبة زكريا)

وشروط صحته: أن يكون بإذن المالك صريحا ، نحو: اقبضه أو أذنت لك بالقبض، أو رضيت، وما شاكل ذلك. شرح القواعد الفقهية للشيخ أحمد الزرقا (ص ٢٩٩ / دار القلم)

[58] وفي الذخيرة: لو قال وهبت هذا الشيء لابني الصغير ، جازت الهبة من غير قبول، لأن الأب يتولى هذا، وكل عقد يتولاه الواحد يكتفي فيه بالإيجاب كبيع الأب ماله من ابنه الصغير ، ولو اتخذ لولده الصغير ثيابا ، ثم أراد أن يدفع إلي ولد آخر ليس له ذلك إلا أن يبين وقت الاتخاذ أنه عارية له . الفتاوى التاترخانية (ص ٤٦٧ / ج ١٤ / مكتبة زكريا)

رَجُلٌ اتَّخَذَ لِوَلَدِهِ أَوْ لِتِلْمِيذِهِ ثِيَابًا ثُمَّ أَرَادَ أَنْ يَدْفَعَ إلَى وَلَدِهِ الْآخَرِ أَوْ تِلْمِيذِهِ الْآخَرِ لَيْسَ لَهُ ذَلِكَ إلَّا إذَا بَيَّنَ وَقْتَ الِاتِّخَاذِ أَنَّهَا عَارِيَّةٌ، كَذَا فِي السِّرَاجِيَّةِ. الفتاوي الهندية (ص ٣٩٢ / ج ٤ / المكتبة الشاملة)

a 'name giving' ceremony allowed or encouraged in Islam? Assuming it is not allowed, what will be the kindest and most polite way for me to explain to my beloved parents & close family members that I cannot keep a 'name giving' ceremony.

2) My wife's name is Mariam. If we are blessed with a daughter is it allowed or recommended to name the child the same name as her mother and call her Mariam also?

A: We make dua Almighty Allah grants you a pious, healthy, obedient and beautiful child. Aameen.

Shari'ah does not prohibit us from expressing happiness during joyous occasions. If one expresses happiness or takes part in a custom which is within the parameters of Shari'ah, then it will perfectly permissible.

A 'name giving' ceremony will be permissible[59] if the following principles are adhered to:

1) There must not be any intermingling of the opposite genders.
2) The get-together should be free of all sin like music, movie-making and other impermissible acts.
3) One should not believe this practice to be a sunnah or a compulsory act of Deen.[60]

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[٥٩] فتاوى رحيمية ج ١٠ ص ٢٢٦ دار الإشاعت

[٦٠] وكل مباح يؤدي إليه أي الى اعتقاد السنية أوالوجوب فمكروه. (الدر المختار ص ١٠٥ دار الكتب العلمية)

4) There should not be persistence for it to transpire to such an extent that if somebody who is unable to attend is scolded or rebuked. If people are blameworthy and thought ill of for not attending such a gathering, then such gatherings should not take place.[61]

Gathering people on a specific date is for convenience. Specifying dates will be problematic when it is done to acts of worship which are free of such specification.[62]

However, as majority of such customs fail to meet the criteria and in most instances the laws of Shari'ah are violated, one should abstain from having a name giving ceremony. Many people will regard this to be from amongst the laws of *aqeeqah*. Hence these practices should be shunned altogether.[63]

The practice of the Sahabah (may Allah be pleased with them) on such occasions was to bring the new born child in the presence of the Prophet (Salutations and peace be upon him). Imam Bukhari reports that Abu Musa al-Ash'ari (May Allah be pleased with him) was blessed with a boy. He brought the child to the Prophet (Salutations and peace be upon him). The Prophet named the boy Ibrahim and

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[٦١] فتاوى عثماني ١/١٠٦ مكتبة معارف القرآن

[٦٢] ومنها التزام العبادات المعينة في أوقات معينة لم يوجد لها ذلك التعيين في الشريعة كالتزام صيام يوم النصف من شعبان وقيام ليلته (الاعتصام ج ١ ص ٤٦ مكتبة التوحيد)

[٦٣] مسائل رفعت قاسمي ج ٥ ص ٢٠٨ حامد كتب خانه

carried out *tahneek* (placing of a sweet substance on the palate). Thereafter, he made dua on behalf of the child.[64]

Imam Nawawi (may Allah be pleased with him) states that it is mustahab to take a new born child to the pious and gain their blessings and prayers for the baby.[65] Instead of having a name giving ceremony, you should consider taking your new born child to the pious and gain their prayers and blessings for your child.

The objective of names is to help differentiate and distinguish between people. By having two people with identical names under one roof will cause confusion in the smallest of errands. There will be confusion in the letters received as to who exactly is the addressee. Phone calls for one of the two will always puzzle the one receiving the call. Dental appointments, optician's appointments and the like can be easily misunderstood. Although it will be permissible to keep the name of the child and mother the same, it is not advisable. [66]

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[٦٤] عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ وُلِدَ لِي غُلَامٌ فَأَتَيْتُ بِهِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَمَّاهُ إِبْرَاهِيمَ فَحَنَّكَهُ بِتَمْرَةٍ وَدَعَا لَهُ بِالْبَرَكَةِ وَدَفَعَهُ إِلَيَّ وَكَانَ أَكْبَرَ وَلَدِ أَبِي مُوسَى (صحيح البخاري رقم الحديث ٥٠٤٠)

[٦٥] أَمَّا أَحْكَام الْبَاب : فَفِيهِ : اِسْتِحْبَاب تَحْنِيك الْمَوْلُود . وَفِيهِ : التَّبَرُّك بِأَهْلِ الصَّلَاح وَالْفَضْل . وَفِيهِ : اِسْتِحْبَاب حَمْل الْأَطْفَال إِلَى أَهْل الْفَضْل لِلتَّبَرُّكِ بِهِمْ ، وَسَوَاء فِي هَذَا الِاسْتِحْبَاب الْمَوْلُود فِي حَال وِلَادَته وَبَعْدهَا .(شرح النووي ج ٢ ص ١٩٦ دار الفوائد)

[٦٦] كتاب الفتاوى ج ٦ ص ١٣٠ زمزم ببلشر

An orphan using interest from his bank account

Q: My father passed away when I was 14. I am studying and I am unable to go for work. So we have an amount and we deposited it in bank and an interest of 5000 comes. Is there any concession in this situation to use the interest? We are caught under poverty.

A: We make dua that Allah Taa'alah Shower your father with his special mercy. Ameen.

You did not mention how much money you have in bank. The amount of interest is big, 5000. Therefore it means that the capital amount in the bank is also very big.

We understand that you have a fear of poverty and you are looking for solution in Shariah to protect yourself against it. You have to understand that this world is Darul Asbaab (A world of means). We have to adopt means for whatever we want. Finally it is Allah who puts effects in the means we adopt. Allah Taa'alah made some people rich and some poor. While you strive to enrich yourself, have the belief that you will got only that which is decreed for you. No more, no less, You should read Surah Waaqiyah every night after magrib salah. It is a protection against poverty.

Hadhrat Uthman Radiallahu anhu, said to Hadhrat Abdullah Ibn Masood Radiallahu anhu that Nabi said : "Those who read Surah Waaqiyah every night, poverty will never afflict him".

(Fadhail Sahaabah li Ahmad ibn Hambal Maktabah Tsaalah Beirut, V2, P726)[67]

Allah Taa'lah is Razaaq. In the Holy Qur'aan, Allah Taa'lah said: "Allah give sustainance to who wishes without counting[68]"

You should remove the money from the bank and invest it in a Mushaarakah (to be partners with somebody in business) or Mudaarabah (Silent partner ship). In brief Mudaarabah is the person gives you R10000 as capital to do business and both of you share the profit according to mutual agreement for example 50% each. If there is a profit of for example R1000, both will get R500. If there is a loss it will be taken out from the R10000 and you will get no profit[69].

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[٦٧] حَدَّثَنَا عُمَرُ بْنُ أَبِي غَيْلانَ، نا عُثْمَانُ بْنُ أَبِي شَيْبَةَ، نا أَبُو الْيَمَانِ الْبَصْرِيُّ قَالَ: سَمِعْتُ السَّرِيَّ بْنَ يَحْيَى قَالَ: نا شُجَاعُ بْنُ أَبِي فَاطِمَةَ قَالَ: قَالَ عُثْمَانُ لابْنِ مَسْعُودٍ: أَلا آمُرُ لَكَ بِعَطَائِكَ؟ قَالَ: لا حَاجَةَ لِي بِهِ، قَالَ: يَكُونُ لِبَنَاتِكَ قَالَ: إِنِّي قَدْ أَمَرْتُ بَنَاتِي أَنْ يَقْرَأْنَ كُلَّ لَيْلَةٍ سُورَةَ الْوَاقِعَةِ فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ قَرَأَ كُلَّ لَيْلَةٍ - أَوْ قَالَ فِي كُلِّ لَيْلَةٍ - سُورَةَ الْوَاقِعَةِ لَمْ تُصِبْهُ فَاقَةٌ أَبَدًا» . قَالَ السَّرِيُّ، وَكَانَ أَبُو فَاطِمَةَ لا يَدَعُهَا كُلَّ لَيْلَةٍ.

[٦٨] وَاللَّهُ يَرْزُقُ مَنْ يَشَاءُ بِغَيْرِ حِسَابٍ (Baqarah , 211)

[2] اللباب في شرح الكتاب ، الكتاب المضاربة

المضاربة: عقدٌ على الشركة بمالٍ من أحد الشريكين وعمل من الآخر، ولا تصح المضاربة إلا بالمال الذي بينا أن الشركة تصح به، ومن شرطها أن يكون الربح بينهما مشاعاً

Please download a standard Mudaarabah contract prepared by the Darul Iftaa at : http://daruliftaa.net/sharcompliancy/Download-document/Mudarabah-Agreement.html

For a detailed explanation on Musharakah and Mudaarabah, kindly find attached relevant articles from Introduction of Islamic finance of Mufti Taqi Usmani Saheb.

Selling sea water

Q: Is it permissible to sell bottled sea water that people may use in religious rituals?

A: It is permissible to sell bottled sea water to people that may use it for religious rituals[70].[71] [72]The seller of the water does not need to be privy to the intentions of the purchaser[73].

Is sister's husband a mahram? Can one go to Hajj with him?

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[٧٠] فتاوى محمودية. ج:١٦. ص:١٣٨. ادارة الفاروق

[٧١] لا يكره بيع الزنانير من النصراني و القلنسوة من المجوسي... (تبيين الحقاءق. كتاب الكراهية, فصل في البيع)

[٧٢] و الضابط عندهم ان كل ما فيه منفعة تحل شرعا فان بيعه يجوز (الفقه الاسلامي و ادلتة. الفصل الاول: عقد البيع)

[٧٣] و لا بأس بان يؤاجر داراً من الذمي ليسكنها فان شرم فيها الخمر او عبد فيها الصليب... لم يلحق المسلم اثم...لانه لم يؤاجرها لذالك و المعصية فعل المستأجر. (المبسوط للسرخسي. كتاب البيوع: باب الاجارة الفاسدة)

Q: I came across some argument and I would like to know if your sister's husband is your mahram. And can Haj be performed with him??

A: Allah Taā'la is All-Wise and His commands are full of wisdom. The fulfillment of Allah's commands guarantees a peaceful and enjoyable life. Allah Taā'la says in the Glorious Quran:

من عمل صالحا من ذكر او انثى وهو مؤمن فلنحيينه حياة طيبة (سورة النحل, رقم الاية ٩٧)

Whoever, male or female, has done righteous deeds, while a believer, We shall certainly make him live a good life

(Quran: 16/97)

Today evils such as immodesty, adultery, and avenues leading to these sins are so widespread and have become a norm in society, resulting in the destruction of lives and the foundation of families.

In principle, it is not permissible for a man to be alone with a female. [74] [75] [76] [77]Therefore if the man in reference is not a Mahram of the woman, then their sitting together and

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[74] والخلوة بالأجنبية الحرة - في بيت واحد - مكروه تحريماً (الدرر المباحة في الحظر والإباحة, ج ١, ص ٥٤)

[75] (قوله الخلوة با الاجنبية) اي الحرة..........وقوله : حرام (رد المحتار, ج ٦, ص ٣٦٨: سعيد)

[76] وَعَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «لَا تُسَافِرُ امْرَأَةٌ ثَلَاثَةَ أَيَّامٍ إلَّا وَمَعَهَا مَحْرَمٌ أَوْ زَوْجٌ» وَلِأَنَّهَا إذَا لَمْ يَكُنْ مَعَهَا زَوْجٌ، وَلَا مَحْرَمٌ لَا يُؤْمَنُ عَلَيْهَا إذْ النِّسَاءُ لَحْمٌ عَلَى وَضَمٍ إلَّا مَا ذُبَّ عَنْهُ، وَلِهَذَا لَا يَجُوزُ لَهَا الْخُرُوجُ وَحْدَهَا.وَالْخَوْفُ عِنْدَ اجْتِمَاعِهِنَّ أَكْثَرُ، وَلِهَذَا حُرِّمَتْ الْخَلْوَةُ بِالْأَجْنَبِيَّةِ، وَإِنْ كَانَ مَعَهَا امْرَأَةٌ أُخْرَى (بدائع الصنائع, ج ٢, ٢٩٩: المكتبة الرشيدية)

[77] وَلِهَذَا تَحْرُمُ الْخَلْوَةُ بِالْأَجْنَبِيَّةِ وَإِنْ كَانَ مَعَهَا غَيْرُهَا مِنْ النِّسَاءِ وَالْمَحْرَمُ مَنْ لَا يَجُوزُ لَهُ مُنَاكَحَتُهَا عَلَى التَّأْبِيدِ بِقَرَابَةٍ، أَوْ رَضَاعٍ، أَوْ مُصَاهَرَةٍ (البحر الرائق, ج ٢, ص ٣١٥: سعيد)

making Dua is not allowed. Furthermore, even the talking of a strange man and strange woman is not permissible unless it is necessary. [78]

Topical Fluoride Therapy

Q: My child's dentist has recommended an application of Topical Fluoride. This is a preventative treatment to help reduce the risk of tooth decay. The Topical Fluoride application contains a trace of alcohol (Ethanol).The fluoride is painted on to the teeth and is easily removed using toothbrush.

Is the above mentioned dental treatment permissible?

A: According to Hanafi Madhab, the prohibition of *Khamr* is restricted to the alcohol derived from grapes and dates. [79] The alcohol (ethanol) used in these medication is derived from non grapes sources.

Consumption of non-khamr alcohol is permissible when used for the purpose of medication as long as it does not

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[٧٨] احسن الفتاوي, ج ٨, ص ٤٠ :سعيد)

[٧٩] أَمَّا الْخَمْرُ فَهُوَ اسْمٌ لِلنِّيءِ مِنْ مَاءِ الْعِنَبِ إِذَا غَلَى وَاشْتَدَّ وَقَذَفَ بِالزَّبَدِ، وَهَذَا عِنْدَ أَبِي حَنِيفَةَ عَلَيْهِ الرَّحْمَةُ وَعِنْدَ أَبِي يُوسُفَ وَمُحَمَّدٍ عَلَيْهِمَا الرَّحْمَةُ مَاءُ الْعِنَبِ إِذَا غَلَى وَاشْتَدَّ فَقَدْ صَارَ خَمْرًا وَتَرَتَّبَ عَلَيْهِ أَحْكَامُ الْخَمْرِ قَذَفَ بِالزَّبَدِ أَوْ لَمْ يَقْذِفْ بِهِ (وَجْهُ) قَوْلِهِمَا أَنَّ الرُّكْنَ فِيهَا مَعْنَى الْإِسْكَارِ وَذَا يَحْصُلُ بِدُونِ الْقَذْفِ بِالزَّبَدِ (وَجْهُ) قَوْلِ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ - أَنَّ مَعْنَى الْإِسْكَارِ لَا يَتَكَامَلُ إِلَّا بِالْقَذْفِ بِالزَّبَدِ فَلَا يَصِيرُ خَمْرًا بِدُونِهِ بدائع الصنائع في ترتيب الشرائع (٥/ ١١٢)

intoxicate.[80] Hence the use of Fluoride therapy will be permissible.

Is punishment in the grave a reality?

Q: One of my friends said that there is no such thing as azaabe qabr, and that such things go against the Quran and there is no authentic Hadith related to azaabe qabr. Could you kindly narrate a few if any?

A:

1.

النَّارُ يُعْرَضُونَ عَلَيْهَا غُدُوًّا وَعَشِيًّا . وَيَوْمَ تَقُومُ السَّاعَةُ أَدْخِلُوا آلَ فِرْعَوْنَ أَشَدَّ الْعَذَابِ

"And they will be exposed to the fire day and night. Then, on the day the hour will rise (day of judgement), it shall be said to the Angels: Cast the people of the Pharaoh into the severest punishment!"

(Qur'an 40:46)

Commentary:

- "Our scholars have substantiated the punishment in the grave with this verse of the Holy Qur'an. They say: 'The verse indicates that fire will be brought to them morning and evening and this does not refer to the day of judgment as Allah says: "And on the day judgment will be established, cast you the people of Pharaoh in the severest penalty" (i.e.

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[80] لانّ الاشربة المتخذة من غير العنب و التمر تحلّ عند ابى حنيفة و ابى يوسف بقصد التقوى او لتداوى ما لم تبلغ حد الاسكار ... فان كانت الكحول المستعملة فى الادوية متخذة من غير العنب و التمر فان تناولها جائز فى مذهب ابى حنيفة و ابى يوسف رحمهما الله ما لم تبلغ حد الاسكار و يمكن ان يؤخذ بقولهما لحاجة التداوى (بحوث في قضايا فقهية معاصرة ج 1 ص ٣٤٠)

it is referring to a time that is before the day of judgment, m). It also does not refer to this world, as bringing them to the fire did not occur in this world. Therefore, it becomes evident that this happened after their death and will happen before the Day of Judgment, thus it proves the establishment of the punishment in the grave. When it is established and proved for Pharaoh's people it will also be established for others, as there is no reason of distinction" [81]

- "This verse is a fundamental evidence for the Ahle-Sunnah-wal-Jamā'h in establishing the punishment of the grave". [82]

2.

سَنُعَذِّبُهُم مَّرَّتَيْنِ ثُمَّ يُرَدُّونَ إِلَىٰ عَذَابٍ عَظِيمٍ

"We shall punish them twice and then they will be returned to a great punishment"

(Qur'an 9:101)

Commentary:

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[81] احْتَجَّ أَصْحَابُنَا بِهَذِهِ الْآيَةِ عَلَى إِثْبَاتِ عَذَابِ الْقَبْرِ قَالُوا الْآيَةُ تَقْتَضِي عَرْضَ النَّارِ عَلَيْهِمْ غُدُوًّا وَعَشِيًّا، وَلَيْسَ الْمُرَادُ مِنْهُ يَوْمَ الْقِيَامَةِ لِأَنَّهُ قَالَ: وَيَوْمَ تَقُومُ السَّاعَةُ أَدْخِلُوا آلَ فِرْعَوْنَ أَشَدَّ الْعَذَابِ، وَلَيْسَ الْمُرَادُ مِنْهُ أَيْضًا الدُّنْيَا لِأَنَّ عَرْضَ النَّارِ عَلَيْهِمْ غُدُوًّا وَعَشِيًّا مَا كَانَ حَاصِلًا فِي الدُّنْيَا، فَثَبَتَ أَنَّ هَذَا الْعَرْضَ إِنَّمَا حَصَلَ بَعْدَ الْمَوْتِ وَقَبْلَ يَوْمِ الْقِيَامَةِ، وَذَلِكَ يَدُلُّ عَلَى إِثْبَاتِ عَذَابِ الْقَبْرِ فِي حَقِّ هؤلاء، وإذ ثَبَتَ فِي حَقِّهِمْ ثَبَتَ فِي حَقِّ غَيْرِهِمْ لِأَنَّهُ لَا قَائِلَ بِالْفَرْقِ (التفسير الكبير)

[82] وَهَذِهِ الْآيَةُ أَصْلٌ كَبِيرٌ فِي اسْتِدْلَالِ أَهْلِ السُّنَّةِ عَلَى عَذَابِ الْبَرْزَخِ في القبور وهي قوله تعالى: النَّارُ يُعْرَضُونَ عَلَيْهَا غُدُوًّا وَعَشِيًّا (تفسير القرآن العظيم. ابن كثير)

- Tabarani narrates from Sayyiduna Ibn Abbas (Allah be pleased with him) that he said: "Once on Friday the Messenger of Allah (Allah bless him & give him peace) gave a sermon. And then he said: "Allah has disgraced the hypocrites in the world and that is the first punishment and the second punishment will be in the grave" [83]

3.

وَلَوْ تَرَىٰ إِذِ الظَّالِمُونَ فِي غَمَرَاتِ الْمَوْتِ وَالْمَلَائِكَةُ بَاسِطُو أَيْدِيهِمْ أَخْرِجُوا أَنفُسَكُمُ . الْيَوْمَ تُجْزَوْنَ عَذَابَ الْهُونِ بِمَا كُنتُمْ تَقُولُونَ عَلَى اللَّهِ غَيْرَ الْحَقِّ وَكُنتُمْ عَنْ آيَاتِهِ تَسْتَكْبِرُونَ

"If only you could see when the wrongdoers are in the throes of death and the Angels are stretching out their hands saying "Bring forth your souls! This day you shall be recompensed with the torment of disgrace because of what you used to say about Allah other than the truth. And you grew arrogant against his signs!"

(Qur'an 6:93)

Commentary:

- This is an address to the wrong doers while they are dying, informing them that they will be severely tormented on the very day of their death. If the punishment were to be postponed to the Day of Judgment, they would not have

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[٨٣] وَقَوْلُهُ جَلَّ ذِكْرُهُ سَنُعَذِّبُهُمْ مرَّتَيْنِ وروى الطَّبَرِيّ وبن أَبِي حَاتِمٍ وَالطَّبَرَانِيُّ فِي الْأَوْسَطِ أَيْضًا مِنْ طَرِيقِ السُّدِّيّ عَنْ أَبِي مَالِكٍ عَنِ بن عَبَّاسٍ قَالَ خَطَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ الْجُمُعَةِ فَقَالَ اخْرُجْ يَا فُلَانُ فَإِنَّكَ مُنَافِقٌ فَذَكَرَ الْحَدِيثَ وَفِيهِ فَفَضَحَ اللَّهُ الْمُنَافِقِينَ فَهَذَا الْعَذَابُ الْأَوَّلُ وَالْعَذَابُ الثَّانِي عَذَابُ الْقَبْرِ وَرَوَيَا أَيْضًا مِنْ طَرِيقِ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ نَحْوُهُ وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ ثَوْرٍ عَنْ مَعْمَرٍ عَنِ الْحسن سَنُعَذِّبُهُمْ مرَّتَيْنِ عَذَابُ الدُّنْيَا وَعَذَابُ الْقَبْرِ

been told: "This day you shall be recompensed". This proves that there is a torment in the grave.

References from the Ahādīth:

1. Hazrat Aisha radhiallahu anha narrates that Rasulullah sallallahu alaihi wasallam said: "Verily there is a constriction in the grave and if anyone was to pass it or be safe from it, it would be Sa'd bin Muādh."[84]

2. Rasulullah sallallahu alaihi wasallam said: "The grave is a garden from the gardens of Paradise or a pit from the pits of Hell"[85]

3. Hāni' the freed slave of Hadhrat Utmān radhiallahu anhu narrates that when Hadhrat Uthmān ibn Affān would stand in front of a grave, he would cry until his beard would become moist. It was once said to him. You mention Heaven and Hell and you don't cry yet you cry from this? He replied "Rasulullah sallallahu alaihi wasallam said "Verily the grave is the first hurdle from the hurdles of the Hereafter. If one succeeds in it, then what is to come after it will be easier for him. However, if does not succeed in it, then what is to come after it will be harder for him."

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[٨٤] عَنْ عَائِشَةَ قَالَتْ عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّ لِلْقَبْرِ ضَغْطَةً، وَلَوْ نَجَا أَوْ سَلِمَ أَحَدٌ مِنْهَا لَنَجَا سَعْدُ بْنُ مُعَاذٍ(مسند احمد ص.٢٣٣ ج.١ مؤسسة نادر)

[٨٥] قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا القَبْرُ رَوْضَةٌ مِنْ رِيَاضِ الجَنَّةِ أَوْ حُفْرَةٌ مِنْ حُفَرِ النَّارِ (سنن الترمذي ص.٢٢٠, ج.٤, دار الغرب الإسلامي)

He also said that Rasulullah sallallahu alaihi wasallam said: “I have not seen a sight except that the grave is more horrific than it.”[86]

4. Sa’d radhiallahu anhu used to teach his children the following words like how a teacher teaches children to write. He used to say “Rasulullah sallallahu alaihi wasallam used to seek Allah’s refuge from these things after every Salāh.” “Oh Allah, I seek your protection from cowardice and I seek your protection from that I am sent forth to a feeble age and I seek refuge in you from the trials of the world and I seek refuge in you from the punishment of the grave.”[87]

5. Aisha radhiallahu anha narrates that a Jewess came to her and mentioned the punishment of the grave and said “May Allah protect you from the punishment of the grave.” So Hadhrat Aisha radhiallahu anha asked Rasulullah sallallahu alaihi wasallam about the punishment of the grave and Rasulullah sallallahu alaihi wasallam said “There is a

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[86] عَنْ هَانِئٍ، مَوْلَى عُثْمَانَ، قَالَ: كَانَ عُثْمَانُ بْنُ عَفَّانَ إِذَا وَقَفَ عَلَى قَبْرٍ يَبْكِي حَتَّى يَبُلَّ لِحْيَتَهُ، فَقِيلَ لَهُ: تَذْكُرُ الْجَنَّةَ وَالنَّارَ، وَلَا تَبْكِي، وَتَبْكِي مِنْ هَذَا ؟ قَالَ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، قَالَ: إِنَّ الْقَبْرَ أَوَّلُ مَنَازِلِ الْآخِرَةِ، فَإِنْ نَجَا مِنْهُ، فَمَا بَعْدَهُ أَيْسَرُ مِنْهُ، وَإِنْ لَمْ يَنْجُ مِنْهُ، فَمَا بَعْدَهُ أَشَدُّ مِنْهُ
قَالَ: وَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «مَا رَأَيْتُ مَنْظَرًا قَطُّ إِلَّا وَالْقَبْرُ أَفْظَعُ مِنْهُ (سنن ابن ماجة. ص.١٤٢٦, ج.٢, دار إحياء الكتب العربية)

[87] كَانَ سَعْدٌ يُعَلِّمُ بَنِيهِ هَؤُلاَءِ الكَلِمَاتِ كَمَا يُعَلِّمُ المُعَلِّمُ الغِلْمَانَ الكِتَابَةَ وَيَقُولُ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ كَانَ يَتَعَوَّذُ مِنْهُنَّ دُبُرَ الصَّلاَةِ: اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الجُبْنِ، وَأَعُوذُ بِكَ أَنْ أُرَدَّ إِلَى أَرْذَلِ العُمُرِ، وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الدُّنْيَا، وَأَعُوذُ بِكَ مِنْ عَذَابِ القَبْرِ (“صحيح البخاري.ص.٢٣, ج.٤,دار طوق النجاة)

punishment of the grave". Aisha radhiallahu anha says that I never saw Rasulullah sallallahu alaihi wasallam pray a Salāh after that instance except that he seeked refuge from the punishment of the grave.[88]

6. Ibn Abbās radhiallahu anhu narrates that once Rasulullah sallallahu alaihi wasallam passed by two graves and said "Verily both of them are getting punished albeit not from a major sin." Then he said "This one used to be a tale bearer and this one did not safeguard himself from his urine."[89]

Above are only a few Ahādith. There are numerous other narrations in the other books.[90]

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[٨٨] عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ يَهُودِيَّةً دَخَلَتْ عَلَيْهَا، فَذَكَرَتْ عَذَابَ القَبْرِ، فَقَالَتْ لَهَا: أَعَاذَكِ اللَّهُ مِنْ عَذَابِ القَبْرِ، فَسَأَلَتْ عَائِشَةُ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ عَذَابِ القَبْرِ، فَقَالَ: نَعَمْ، عَذَابُ القَبْرِ.قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: فَمَا رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بَعْدُ صَلَّى صَلاَةً إِلَّا تَعَوَّذَ مِنْ عَذَابِ القَبْرِ (صحيح البخاري .ص.٩٨, ج.٢,دار طوق النجاة)

[٨٩] عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، مَرَّ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَلَى قَبْرَيْنِ فَقَالَ: إِنَّهُمَا لَيُعَذَّبَانِ وَمَا يُعَذَّبَانِ مِنْ كَبِيرٍ. ثُمَّ قَالَ: بَلَى أَمَّا أَحَدُهُمَا فَكَانَ يَسْعَى بِالنَّمِيمَةِ، وَأَمَّا أَحَدُهُمَا فَكَانَ لاَ يَسْتَتِرُ مِنْ بَوْلِهِ... (صحيح البخاري .ص.٩٩, ج.٢,دار طوق النجاة)

[٩٠] الروايات: أخرج أَبُو نعيم فِي الْحِلْية عَن جَابر قَالَ قَالَ رَسُول الله صلى الله عَلَيْهِ وَسلم من مَاتَ يَوْم الْجُمُعَة أَو لَيْلَة الْجُمُعَة أجِير من عَذَاب الْقَبْر وَجَاء يَوْم الْقِيَامَة عَلَيْهِ طَابع الشُّهَدَاء...
أخرج البُخَارِيّ عَن أبي هُرَيْرَة قَالَ كَانَ رَسُول الله صلى الله عَلَيْهِ وَسلم يَدْعُو اللَّهُمَّ إِنِّي أعوذ بك من عَذَاب الْقَبْر.
أخرج إِبْنِ أبي شيبَة والشيخان عَن عَائِشَة رَضِي الله عَنْهَا أَن النَّبِي صلى الله عَلَيْهِ وَسلم قَالَ إِن أهل الْقُبُور يُعَذبُونَ فِي قُبُورهم عذَابا تسمعه الْبَهَائِم

Consensus of the Aslāf (pious predecessors)

Our illustrious, wise sincere predecessors also accepted, believed in and preached the reality of the punishment of the grave. Below are just a few quotes:

1. “And we believe in the punishment of the Grave for the people who deserve it. Imam Abu Hanīfa said: Whosoever denies the punishment of the grave, then he is from the perishing Jahmiyyah group.[91]
2. “And the punishment of the grave is for the disbelievers and for some of the disobedient believers.”[92]
3. “And the constriction of the grave and the punishment of the grave for all of the disbelievers. And for some of the disobedient believers it is a true possibility.”[93]
4. Imam Qurtubi states: “Belief in the punishment of the grave and its trials is obligatory and affirming it is incumbent.”[94]
5. Murwadhi says: Abu Abdillah (Imam Ahmad bin Hanbal) told us: “The punishment of the grave is Haq and

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أخرج أَحْمد عَن عَائِشَة رَضِي الله عَنْهَا أَن رَسُول الله صلى الله عَلَيْهِ وَسلم قَالَ يُرْسل على الْكَافِر حيتان وَاحِدَة من قبل رَأسه والآخرى من قبل رجلَيْهِ يقرضانه قرضا كلما فرغتا عادتا إِلَى يَوْم الْقِيَامَة...

[٩١] و نؤمن بعذاب القبر لمن كان له اهل. قال ابو حنيفة: من انكر عذاب القبر فهو من الطبقة الجهميه الهالكة (شرح العقيدة الطحاوية. دار الكتب العلمية)

[٩٢] و عذاب القبر للكافرين و لبعض عصاة المؤمنين(شرح عقاءد النسفيه. دار البيروتي)

[٩٢] و ضغطة القبر و عذابه حق كاءن للكفار كلهم و لبعض عصاة المؤمنين حق جاءز
Al-Fiqh al-Akbar, White Thread Press

[٩٤] الإيمان بعذاب القبر وفتنته واجب. والتصديق به لازم التذكرة بأحوال الموتى وأمور الآخرة. مكتبة دار المنهاج للنشر والتوزيع، الرياض

none deny it except a person who is deviated and one who deviates."[95]

The Ahādith in support of the punishment of the grave are mutawātir. 96 Contrary to the belief of some who contend that there is no shar'ī basis for the punishment of the grave.

Imam al-Taftazani states in his commentary of al-Aqā'id al-Nasafiyya:

"In general the narrations on this subject (punishment of the grave) and on many of the states of the next world are mutawatir in meaning, although the individual narrations taken separately do not attain the rank of tawatur"

(Sa'd al-Din al-Taftazani on the creed of Najm al-Din al-Nasafi, P.127- Dāral Bayrūti)[97]

Imam al-Suyuti (Allah have mercy on him) compiled seventy such narrations in his excellent book Sharh al-sudūr fi ahwāl al-mawtā wa al-qubūr. He says:

"The narrations with regards to the punishment of the grave have reached the level of certainty (tawātur). They have

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[٩٥] قال المروذي قَالَ: لنا أَبُو عَبْدِ اللَّهِ عذاب القبر حق ما ينكره إلا ضال مضل (طبقات الحنابلة. دار المعرفة)

[٩٦] المتواتر يفيد العلم الضروري، أي العلم اليقيني الذي يضطر الإنسان إلى التصديق به تصديقا جازما، كمن يشاهد الأمر بنفسه؛ فإنه لا يتردد في تصديقه، فكذلك الخبر المتواتر، لذلك كان المتواتر كله مقبولا، ولا حاجة إلى البحث عن أحوال رواته.

[٩٧] و بالجملة: الاحاديث في هذا المعنى و في كثير من احوال الآخرة متواترة المعنى و ان لم يبلغ احادها حد التواتر

been reported by a group of Companions (Allah be pleased with them all)",
(Pg.119. Dārul Madani)[98]

The punishment of the grave has been so clearly proven that the the four main Fuqahā (Imam Abu-Hanifa, Shāfi, Ahmad, Mālik rahmatullahi alaihim), all the Muhaddithīn and Aslāf are all unanimous on the fact that the punishment of the grave is a reality and they all believe in it. These are the people who were given the true understanding of the Qurān and Ahādith.

Feel and behave like a family!

Q: My sister has been married for six years and has a little daughter. She lives in a small community which is conducive to an Islamic life-style in the sense that amenities such as islamic schools, madaris etc. are close to her home. Despite having a home and secure employment, her husband wishes to re-locate to a town which has no such facilities and which is very far from both their families.

In addition he sometimes compels her to cancel previously made arrangements in order to accompany him to the

[98] قد تَوَاتَرَتْ الْأَحَادِيث بذلك مُؤَكدَة من رِوَايَة أنس والبراء وَتَمِيم الدَّارِيّ وَبشير بن الْكمَال وثوبان وَجَابِر بن عبد الله وَعبد الله بن رَوَاحَة وَعبادَة بن الصَّامِت وَحُذَيْفَة وضمرة بن حبيب وَابْن عَبَّاس وَابْن عمر وَابْن مَسْعُود وَعُثْمَان بن عَفَّان وَعمر بن الْخطاب وَعَمْرو بن الْعَاصِ ومعاذ بن جبل وَأبي أُمَامَة وَأبي الدَّرْدَاء وَأبي رَافع وَأبي سعيد الْخُدْرِيّ وَأبي قَتَادَة وَأبي هُرَيْرَة وَأبي مُوسَى وَأَسْمَاء وَعَائِشَة رَضِي الله عَنْهُم أَجْمَعِينَ

functions of distant relatives. Since he works during the week, she would prefer that they spend the week-ends filling in quality time with their child rather than attending these functions of relatives whom they do not even know very well. My sister has no objection in attending the functions of close friends and relatives.

My concern is that because of her husbands constant domination, my sister is beginning to feel that shariah has made women the under-dogs of men, because her husband cites shariah to keep her under his control.

He wishes to dictate her every move, how the family spends their free time, where they should live, what their child should wear, etc. I believe that important matters should be discussed between a husband & wife before a final decision is taken, but according to my brother-in-law, a man needs not consider his wife's opinion. He insists that this is what shariah dictates.

Please advise me on this matter so that I can present Mufti Sahib's advice to both, my sister & her husband.

A: The secret to a happy family is that while there are clearly defined roles of the husband and wife, the feelings of both are taken into account and consideration.
If one were to purely look at who possesses what **authority** in each area of life, then it would **stop feeling like a family**. That is why Islam has given us two wonderful tools for decision-making. One is *mashwarah* (mutual consultation) and and the second is *istikhārah* (prayer for guidance).

If the husband started asking questions like “Does Islam require me to spend time with my family on the weekends?” and if the wife started asking questions like “Does Islam require me to make lunch?” it would be a recipe for disaster. This is because whenever a family looks only at fulfilling the minimum *huqūq* (rights) of one another and disregards the feelings and sensitivity of the other spouse then its very easy for arguments to occur.

Since the husband's reason for moving to another town has not been mentioned, we cannot speculate on his intentions. Keeping this fact in mind it would be best for the husband to sit down and discuss with his wife, his reasons for moving to that town. As a suggestion, both can make up a list of pros and cons, and how their daughter's education and *tarbiyah* (upbringing) might be affected. In addition, they can also seek out a local scholar and explain to him the reasons so that he can give further advice after hearing both sides.

Spending quality time with the children is also a paramount objective of the parents. The couple can work out an arrangement where they can adequately spend quality time with their child and also be able to attend the functions of distant relatives. If managed properly, both can be accomplished if the husband feels it is important to attend to a specific function to keep relatives happy and maintain cordial relations.

Both husband and wife should make an effort to understand each other and understand that they are life-long partners. If *mashwarah* (mutual consultation) is made keeping

in mind the need to compromise it would lead to a much happier marriage than the husband just getting his way.

Assisted Reproductive Technologies

Q: My question was in relation to ART [Assisted Reproductive Technologies].

Would it be permissible for an unmarried man to use frozen sperm cells of his acquired before he gets married (frozen due to some illness and treatment that may harm or reduce his fertility) to have children with his wife, using her eggs once he gets married in the future?

Also would the same man be allowed to use sperm cells created using stem cell technologies from his own DNA/cells in the future once this has been proven safe to use for human reproduction through scientific research?

A: In your query, you have stated that you wanted to secure yourself from infertility by freezing your sperm out of the fear that you may become infertile in the future.

There are two important principals in Shari'āh that have to be considered in response to your query.

1. Necessity unrestricts that which has been restricted in Shari'āh.[99]
2. Whatever is permitted due to dire need will be restricted to the extent of its necessity.[100]

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[٩٩] الضَّرُورَاتُ تُبِيحُ الْمَحْظُورَاتِ (الأشباه والنظائر لابن نجيم (ص: ٧٣))

Necessity is when a person reaches such a state that if he does not indulge in an unlawful act, he will die or be close to death. It is only in this state when unlawful becomes lawful. Also, in the state of necessity, unlawful becomes lawful only with the following three conditions:

a) The person is so sick that his life is in danger
b) The fear of losing life is not just an assumption, but a reliable doctor also agrees, and the treatment is unavailable with lawful substances
c) The doctor is convinced that the person will be cured by using the unlawful substance

Reverting back to your situation, you have stated that you fear that you **may** become infertile. You fear you won't have any children. Out of this fear, you **want** to freeze your sperm. This would be impermissible since this is merely an assumption. The laws of Shari'āh are not relaxed based on assumptions. They are based on an absolute situation.

The following may also be considered:

1. Firstly, the sperm is normally acquired through masturbation, which is prohibited.[101]

2. An insemination procedure uses a thin, flexible tube (catheter) to put sperm into the woman's reproductive tract

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١٠٠ مَا أُبِيحَ لِلضَّرُورَةِ يُقَدَّرُ بِقَدْرِهَا (الأشباه والنظائر لابن نجيم (ص: ٧٣))
١٠١ نَاكِحُ الْيَدِ مَلْعُونٌ (العناية شرح الهداية (٢/ ٣٣٠))

which would require both the couples to expose their private parts which is Harām.

3. There are many risks involved in such a procedure. Here are few which are listed below:

- Insemination combined with superovulation increases the risk of multiple pregnancies (conceiving more than one fetus). Multiple pregnancies are a high risk for mother and fetuses.
- Insemination procedures pose a risk of infection.
- Some women experience severe cramping during insemination.
- There is a slight risk of puncturing the uterus during intrauterine insemination.
- There is a slight risk of ovarian hyperstimulation syndrome if superovulation is used together with insemination.
- There may be a higher risk of birth defects for babies conceived by certain assisted reproductive techniques.
- Usually, ones sperm is kept frozen for a period of 6 months in the laboratory before it can be used. After this period of time when one goes back to retrieve it, how does he not know that it might have been mistakenly switched around with someone else's sperm since so many incidents like this have occurred in the past leading to a dispute and argument amongst the husband and wife. Also, Shari'ah has taken a lot of precautions in preserving ones lineage.

Islam teaches us that the creation of life is the exclusive act of Allah Subhānahu wa Ta'ālā. No matter what method and

means one employs, if Allah Almighty does not wish to grant children, one will never have children. Allah Subhānahu wa Ta'ālā says:

لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَنْ يَشَاءُ إِنَاثًا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ . أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَإِنَاثًا وَيَجْعَلُ مَنْ يَشَاءُ عَقِيمًا إِنَّهُ عَلِيمٌ قَدِيرٌ

"To Allah belongs the dominion of the heavens and the earth. He creates what He wills. He bestows female (children) to whomsoever He wills and bestows male (children) to whomsoever He wills, or He bestows both males and females, and He leaves barren whomsoever He wills. He is full of Knowledge and Power."
(Qur'an 42: 49-50)

Once a person came to Rasullullah Sallalahu alaihi wa Sallam and asked regarding coitus interrupts (azl), He replied saying that when Allah Subhanahu wa Ta'ālā intends to create something, nothing can prevent Him.[102] Similarly, when Allah does not intend to create something then there is nothing you can do contrary to that.

The Qur'an mentions two great Prophets of Allah who desired children. They beseeched Allah Subhanahu wa

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البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري (٢/ ٢٩٣)
نَاكِحُ الْيَدِ مَلْعُونٌ

[102] صحيح البخاري ٣/ ١٤٨

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، أَخْبَرَنَا مَالِكٌ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ ابْنِ مُحَيْرِيزٍ، قَالَ: رَأَيْتُ أَبَا سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ، فَسَأَلْتُهُ، فَقَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فِي غَزْوَةِ بَنِي المُصْطَلِقِ، فَأَصَبْنَا سَبْيًا مِنْ سَبْيِ العَرَبِ، فَاشْتَهَيْنَا النِّسَاءَ، فَاشْتَدَّتْ عَلَيْنَا العُزْبَةُ، وَأَحْبَبْنَا العَزْلَ، فَسَأَلْنَا رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: مَا عَلَيْكُمْ أَنْ لاَ تَفْعَلُوا مَا مِنْ نَسَمَةٍ كَائِنَةٍ إِلَى يَوْمِ القِيَامَةِ إِلَّا وَهِيَ كَائِنَةٌ

Ta'ālā and were granted children in their old age. Allah says in the Quran regarding Zakaria Alaihis Salām :

فَنَادَتْهُ الْمَلَائِكَةُ وَهُوَ قَائِمٌ يُصَلِّي فِي الْمِحْرَابِ أَنَّ اللَّهَ يُبَشِّرُكَ بِيَحْيَى مُصَدِّقًا بِكَلِمَةٍ مِنَ اللَّهِ وَسَيِّدًا وَحَصُورًا وَنَبِيًّا مِنَ الصَّالِحِينَ . قَالَ رَبِّ أَنَّى يَكُونُ لِي غُلَامٌ وَقَدْ بَلَغَنِيَ الْكِبَرُ وَامْرَأَتِي عَاقِرٌ قَالَ كَذَلِكَ اللَّهُ يَفْعَلُ مَا يَشَاء

"So the angels called him while he was standing in prayer in the chamber, "Indeed, Allah gives you good tidings of Yahya, confirming a word from Allah and (who will be) honorable, abstaining (from women), and a prophet from among the righteous."He said, "My Lord, how will I have a boy when I have reached old age and my wife is barren?" The angel said, "Such is Allah ; He does what He wills.".

(Qur'an 3: 39-40)

It has been stated that Zakariya Alaihis Salām was 120 years old at that time and his wife was 90 years old. In another place in the Quran Allah Subhānahu wa Ta'lā mentions about Ibrahim Alaihis Salām:

وَامْرَأَتُهُ قَائِمَةٌ فَضَحِكَتْ فَبَشَّرْنَاهَا بِإِسْحَاقَ وَمِنْ وَرَاءِ إِسْحَاقَ يَعْقُوبَ . قَالَتْ يَا وَيْلَتَى أَأَلِدُ وَأَنَا عَجُوزٌ وَهَذَا بَعْلِي شَيْخًا إِنَّ هَذَا لَشَيْءٌ عَجِيبٌ

"And his wife was standing, and she smiled. Then We gave her glad tidings of Ishāq and after Ishāq, Ya'qoob. She said, "Woe to me! Shall I give birth while I am an old woman and this, my husband, is an old man? Indeed, this is an amazing thing!"

(Qur'an 11:71-72)

It is also recorded that Ibrahim Alaihis Salām was 120 years old and his wife was 90 or 98 years old.

The recent issue of embryonic stem cell is still undergoing a research. Once this issue is researched, we will be able to issue a Fatwā.

First 10 days of Zil Hijjah

First Ten Days of Zul Hijjah

Abdullah Ibn 'Abbas Radiyallaahu anhu related that the Prophet Sallallaahu Alayhi Wasallam said, "Good deeds performed on other days are not superior to those performed on these (first ten days of Zul Hijjah)."

The Companions Radiyallaahu anhum inquired, "Not even Jihad?" He replied, "Not even Jihad, except for that person who goes out putting himself and his wealth in danger and does not return with anything." *(Sahīh Bukhāri)*

Is it necessary to pay out the share in Qurbani before Zabeeha?

Q: On Eid-ul-Adha if a person wants a share in an animal, is it neccessary for him to for the share before qurbani? if he dedicate a person and tell him to put my share in you animal i will give you mony letter and the provides money after some days of eid, will his sacrifice be accepted or not?

A: It is not a pre-requisite for the validity of the Qurbāni

that the animal or the share of the animal should be paid for before it can be slaughtered.[103]

It is sufficient that the person has merely purchased the animal or its share before Qurbāni. Payment of the animal or its share can be made after Qurbāni.

Does cutting one's hair in first 10 day of Dhul Hijja affect the Qurbani?

Q: Last year I cut my hair on the 5th day of Dhul Hijja and then I came to know that we should not cut our hair if we intend to do Qurbānī. So was my qurbānī accepted or not?

A: It is desirable for the one who will be sacrificing an animal for qurbānī to avoid cutting their hair or nails until after the animal is slaughtered. Rasulullah salallahu alayhi wasallam said:

"When the ten days (of Dhul Hijjah) begin and a person has an animal for sacrifice which he intends to slaughter, then let him not cut his hair or trim his nails." (Muslim 2/160)

Rasulullah salallahu alayhi wasallam said in another Hadith:

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[١٠٣] وأما ركنها فذبح ما يجوز ذبحه في الأضحية بنية الأضحية في أيامها لأن ركن الشيء ما يقوم به ذلك الشيء والأضحية إنما تقوم بهذا الفعل فكان ركنا كذا في النهاية
(الفتاوى الهندية ج ٥ , ص ٢٩١)

"Whoever has an animal for slaughtering, once the crescent of Dhul Hijjah has been declared he should not cut his hair or trim his nails until he has sacrificed (the animal)"

(Muslim hadith no.5236)

It is a recommended act due to the Hadīth. However, if one did cut his hair and/or nails during the first ten days of Dhul Hijjah before sacrificing, it will not affect the validity of making qurbānī.

(Saīih Muslim, 2/160)[104]; *(Sahiī Muslim #5236)*[105];
(Raddul Muhtār, 2/181, H.M Sa 'īd)[106];
(Fatāwa Mahmūdiyah, 17/486, Farūqiyyah)

Recently married and already my husband's behaviour is changing!

Q: I recently got married in 2009. I was happy. After awhile something happened to my husband. His temper changed. It seems he has a dual policy in his mind. At the

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[١٠٤] قال رسول الله صلى الله عليه و سلم: دخل العشر و عنده اضحية يريد ان يضحى, فلا ياخذن شعرا ولا يقلمن ظفرا

[١٠٥] وحدثنى عبيد الله بن معاذ العنبرى حدثنا أبى حدثنا محمد بن عمرو الليثى عن عمر بن مسلم بن عمار بن أكيمة الليثى قال سمعت سعيد بن المسيب يقول سمعت أم سلمة زوج النبى -صلى الله عليه وسلم- تقول قال رسول الله -صلى الله عليه وسلم- « من كان له ذبح يذبحه فإذا أهل هلال ذى الحجة فلا يأخذن من شعره ولا من أظفاره شيئا حتى يضحى

[١٠٦] ومما ورد في صحيح مسلم قال رسول الله (ص): إذا دخل العشر وأراد بعضكم أن يضحي فلا يأخذن شعرا ولا يقلمن ظفرا فهذا محمول على الندب دون الوجوب بالاجماع

same time he loves me alot. Tell me how I can rebuild our trust. Tell me some wazifah or any brief recitation from the Quran so that I can live my life very happily and our trust is back? I want a happy and living relation. I love him very much and I want that he should love and care about me more than his life.

A: When a person embarks upon a new task, the initial stages are always challenging. Marriage is no different. Majority of newlyweds have complexities in the first couple of months and sometimes even years. The husband and wife have to compromise a lot to make things flow. Two individuals from different backgrounds and lifestyles have come together. There will certainly be issues upon which both agree and disagree. The difficulties of adjusting to a different lifestyle coupled with responsibility can manifest itself in outbursts of anger.

Happiness in marriage cannot be taken for granted; continuous happiness requires constant giving from both sides. For the tree of marital love to remain alive and keep growing, the soil has to be sustained, maintained, watered and nurtured.

Your husband maybe stressed or under pressure due to which he loses his temper frequently. You mentioned he loves you a lot; speak to him when he is in a good mood. Something might be disturbing him or upsetting him. Make your husband acknowledge that he is having difficulty controlling his temper. Once he accepts his weakness, convince him to attend anger management courses. These courses are designed specifically to help overcome domestic issues.

The Prophet (salallahu alayhi wasallam) said,
"Verily, there is in the body a small piece of flesh; if it is good the whole body is good and if it is corrupted the whole body is corrupted; lo! It is the heart .[107]

All negative behaviour displayed by any human is due to the corruption of the heart. To alter or rectify anything, you have to consult with a specialist in that field. For car breakdowns there are mechanics. For computers there are technicians. To get a car moving again, it has to be rectified by a mechanic. To overcome a virus or malfunction, the computer has to be treated by a technician. Likewise, to rectify the ills of the heart, we have to consult and seek the guidance of scholars trained in the field of *Tazkiyah* (spiritual purification). A constant effort has to be made upon the heart and soul to rectify it. Hence, your husband must attend the gatherings of the scholars and endeavour to purify his soul and subdue negative pulses.
Another way to help your husband is through the medium of books. Purchase books addressing anger and its harmful effects. Don't give it to your husband, as that might be offensive. Instead, place the book in such a place which will catch his eye.

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[١٠٧] وَإِنَّ فِي الجَسَدِ مُضْغَةً: إِذَا صَلَحَتْ صَلَحَ الجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الجَسَدُ كُلُّهُ، أَلاَ وَهِيَ القَلْبُ " (صحيح البخاري رقم الحديث ٥٢)

Have lectures of scholars playing at home and in the CD player of your vehicle. Expose your husband to Islam and the lifestyle of the Prophet (salallahu alayhi wasallam).

All the while, make constant dūʽā to Almighty Allah. If there is anything in the house which attracts the wrath of Allah then dispose of it. Abstain from all activities which violate the Laws of Almighty Allah. You may want to supplicate to Allah the Almighty with the following:

رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا

Rabbanā hab lanā min azwājinā wathurriyyātinā qurrata ʽayunin wajʽalnā lilmuttaqīna imamā

And those who say, "Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous."

We make dua to Allah Taʽālā he grants yourself and your husband mutual love and trust. Āmīn

Women travelling more than musafat e safar

Q: Can a woman travel the Shariʽ safar with her mahram on a totally different vehicle (car or aeroplane)?

A: It is prohibited for a woman to travel 78 km or more without a *mahram* (a person that one cannot marry[108]). Rasulullah sallallahu alaihi wasallam said:

Ibn Umar radhiallahu anhu narrates that Rasulullah Sallallahu alaihi wasallam said: "No woman should travel the distance of three days without a *mahram.*"[109]

Ibn Abbas radhiallahu anhu narrates that Rasulullah s.a.w said: "No woman should travel without a *mahram* and no man enter upon a woman unless she has a *mahram* with her.*"* So a man asked: "Oh Prophet of Allah! I wish to leave with so and so army whilst my wife wishes to perform Hajj." The Prophet Sallallahu alaihi wasallam replied: "Go with her."[110]

If a female travels with her mahram by road, albeit in a separate car, it will be permissible on the condition that the cars remain within a close proximity of each other during the entire course of the journey.[111] [112] [113] [114]

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[108] Such as a father, son, brother.

[١٠٩] عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: لاَ تُسَافِرِ المَرْأَةُ ثَلاَثَةَ أَيَّامٍ إِلَّا مَعَ ذِي مَحْرَمٍ(صحيح البخاري رقم الحديث ١٠٨٦)

[١١٠] عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: قَالَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «لاَ تُسَافِرِ المَرْأَةُ إِلَّا مَعَ ذِي مَحْرَمٍ، وَلاَ يَدْخُلُ عَلَيْهَا رَجُلٌ إِلَّا وَمَعَهَا مَحْرَمٌ» ، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ إِنِّي أُرِيدُ أَنْ أَخْرُجَ فِي جَيْشِ كَذَا وَكَذَا، وَامْرَأَتِي تُرِيدُ الحَجَّ، فَقَالَ: اخْرُجْ مَعَهَا (صحيج البخاري رقم الحديث ١٨٦٢)

[١١١] صحيح البخاري: باب تعديل النساء بعضهن بعضا

[112] صحيح مسلم: باب في حديث الافك

The same, however, cannot be said for an aeroplane. This is because there are too many variables and possibilities on a plane and because it is virtually impossible for two planes to remain within close proximity with each other like two cars. One of the main reasons *Sharia* demands that a woman travel with a *mahram* is to protect her chastity. There have been and remain many cases of immoral advancements in air infamously titled the 'mile high club'. It is very easy for a moral woman to become victim of such immoral people.

Why are my duaas not accepted?

Q: I am aware that upon doing dua, one should persist and not become impatient saying, "I did dua but it was not answered."

However, one thing that has confused me is how a dua done at time when it is stated that dua is readily granted appears not to have been granted.

A: Making *duʿā* is from amongst the shortest and fastest routes that leads one to Allah Taʿālā. *Duʿā* is a display of humility and humbleness. The slave of Allah testifies his weakness and surrenders his affairs to His Master. To understand the reality of *duʿā*, ponder over the following ahādith:

١١٣صحيح مسلم. ح:١٩٩٥

١١٤صحيح البخاري: كتاب النكاح

The Prophet (salallahu alaihi wasallam) said,

"*Du ʿā* is the essence of worship." (Sunan Tirmidhi hadith no.3371) [115]

In a nut (e.g. almond) that which is within the shell is the main part and is really sought by the person who eats it. This part is valuable. Likewise, the core of all worship is submission. *Du ʿā* from beginning till end is submission. In comparison to other forms of worship, in *du ʿā* the aspect of humility, meekness and dependence upon Almighty Allah is most fervently.

Allah the Almighty appreciates His slaves begging Him and seeking His mercy. The Prophet (salallahu alaihi wasallam) said,

"There is nothing nobler in the sight of Allah than *Du ʿā*." (Sunan Tirmidhi hadith no.3370) [116]

Let alone appreciating, Allah Taʿālā is displeased when His slave does not turn to him.

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[١١٥] عنْ أَنَسِ بْنِ مَالِكٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الدُّعَاءُ مُخُّ العِبَادَةِ» (سنن الترمذي رقم الحديث ٣٣٧١)

[١١٦] عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَيْسَ شَيْءٌ أَكْرَمَ عَلَى اللَّهِ تَعَالَى مِنَ الدُّعَاءِ» (سنن الترمذي رقم الحديث ٣٣٧٠)

The Prophet (salallahu alaihi wasallam) said, "Whoever does not ask Allah, Allah becomes displeased with him." (Sunan Tirmidhi hadith no.3373) [117]

Such is the mercy of Allah that He appreciates His servants beseeching Him and He gets displeased when His servants do not turn to Him. Allah Taʽālā addresses us personally ordering us to call upon Him:

"And when My servants ask you, [O Muhammad], concerning Me - indeed I am near. I respond to the invocation of the supplicant when he calls upon Me. So let them respond to Me [by obedience] and believe in Me that they may be [rightly] guided." [118](Qurʽān 2:186)

The Qurʽān and Ahādith demonstrate the fact that Allah Taʽālā wants us to turn to Him in every affair of our life. Allah promises himself to respond in the above quoted verse. Allah Taʽālā is self sufficient and the Provider. He gives like no other. By Him giving, His treasures do not diminish. Allah Taʽālā is ever ready to respond to His slaves. Consider the following verse how Allah responds:

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[١١٧] عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّهُ مَنْ لَمْ يَسْأَلِ اللَّهَ يَغْضَبْ عَلَيْهِ»(سنن الترمذي رقم الحديث ٣٣٧٣)

[١١٨] وَإِذَا سَأَلَكَ عِبَادِي عَنِّي فَإِنِّي قَرِيبٌ أُجِيبُ دَعْوَةَ الدَّاعِ إِذَا دَعَانِ فَلْيَسْتَجِيبُوا لِي وَلْيُؤْمِنُوا بِي لَعَلَّهُمْ يَرْشُدُونَ (سورة البقرة ١٨٦)

هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا فَلَمَّا تَغَشَّاهَا حَمَلَتْ حَمْلًا خَفِيفًا فَمَرَّتْ بِهِ فَلَمَّا أَثْقَلَتْ دَعَوَا اللَّهَ رَبَّهُمَا لَئِنْ آتَيْتَنَا صَالِحًا لَنَكُونَنَّ مِنَ الشَّاكِرِينَ (١٨٩) فَلَمَّا آتَاهُمَا صَالِحًا جَعَلَا لَهُ شُرَكَاءَ فِيمَا آتَاهُمَا فَتَعَالَى اللَّهُ عَمَّا يُشْرِكُونَ (١٩٠) (سورة الاعراف)

"It is He Who created you from a single person, and made his mate of like nature, in order that he might dwell with her (in love). When they are united, she bears a light burden and carries it about (unnoticed). When she grows heavy, they both pray to Allah their Lord, (saying): "If You should give us a good [child], we will surely be among the grateful. But when He gives them a good [child], they ascribe partners to Him concerning that which He has given them. Exalted is Allah above what they associate with Him."

Despite the resulting disobedience from the parents, Allah Taʿālā still grants them a good and healthy child. Likewise, in the following verse, Allah Taʿālā responds to those who use Him for protection in sea and then forget Him when He brings them back to land. Allah Taʿālā still responds to them.

هُوَ الَّذِي يُسَيِّرُكُمْ فِي الْبَرِّ وَالْبَحْرِ حَتَّى إِذَا كُنْتُمْ فِي الْفُلْكِ وَجَرَيْنَ بِهِمْ بِرِيحٍ طَيِّبَةٍ وَفَرِحُوا بِهَا جَاءَتْهَا رِيحٌ عَاصِفٌ وَجَاءَهُمُ الْمَوْجُ مِنْ كُلِّ مَكَانٍ وَظَنُّوا أَنَّهُمْ أُحِيطَ بِهِمْ دَعَوُا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ لَئِنْ أَنْجَيْتَنَا مِنْ هَذِهِ لَنَكُونَنَّ مِنَ الشَّاكِرِينَ (٢٢) فَلَمَّا أَنْجَاهُمْ إِذَا هُمْ يَبْغُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ يَا أَيُّهَا النَّاسُ إِنَّمَا بَغْيُكُمْ عَلَى أَنْفُسِكُمْ مَتَاعَ الْحَيَاةِ الدُّنْيَا ثُمَّ إِلَيْنَا مَرْجِعُكُمْ فَنُنَبِّئُكُمْ بِمَا كُنْتُمْ تَعْمَلُونَ (٢٣)(يونس)

"It is Him who enables you to travel through land and sea, till when you are in the ships and they sail with them with a favourable wind, and they are glad therein, then comes a stormy wind and the waves come to them from all sides, and they think that they are encircled therein, they invoke Allah, making their Faith pure for Him Alone, saying: "If You (Allah) deliver us from this, we shall truly be of the grateful. But when He saves them, at once they commit injustice upon the earth without right. O mankind, your injustice is only against

yourselves, [being merely] the enjoyment of worldly life. Then to Us is your return, and We will inform you of what you used to do."
(Qurʿān 10:23)

A *duʿā* being accepted does not refer to you being granted what you asked for. The scope of an accepted *duʿā* is broader than that. The Prophet (salallahu alaihi wasallam) said,

"There is no Muslim who supplicates to Allah Almighty with a supplication which is free from anything wrong and asking for severance from his kin, without Allah granting one of three things: He readily grants him what he is asking for, or the like of it is stored for him as a reward in the hereafter, or He will turn away the like of it in evil from him. A man of the people said, "We do it a great deal." He said, "Allah has more (than you could ever ask for)." (Musannaf Ibn Abi Shaiba hadīth no.29170) [119]

At times what we ask for may not be beneficial for us. We are not aware of the consequences of our choices. Some decisions we make can have an adverse effect on our lives. Allah knows the favourable and unfavourable. It is His sheer mercy that He does not give us what we are asking for. At times an impending calamity is about to befall us which could cripple us. It is from the vast mercy of Allah

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[١١٩] قَالَ أَبُو سَعِيدٍ: قَالَ نَبِيُّ اللَّهِ: " مَا مِنْ مُسْلِمٍ يَدْعُو بِدَعْوَةٍ لَيْسَ فِيهَا إِثْمٌ، وَلَا قَطِيعَةُ رَحِمٍ، إِلَّا أَعْطَاهُ اللَّهُ بِهَا إِحْدَى ثَلَاثٍ: إِمَّا أَنْ يُعَجِّلَ لَهُ دَعْوَتَهُ، وَإِمَّا يَدَّخِرَهَا لَهُ فِي الْآخِرَةِ، وَإِمَّا أَنْ يَكْشِفَ عَنْهُ السُّوءَ بِمِثْلِهَا "، قَالُوا: إِذًا نُكْثِرُ يَا رَسُولَ اللَّهِ قَالَ: «اللَّهُ أَكْثَرُ» (مصنف ابن أبي شيبة رقم الحديث ٢٩١٧٠)

that He does not give us what we are asking for but instead he averts the affliction which is on the verge of grasping us.

To secure anything in this world we have to follow procedures and protocols. To be successful in a job interview, one has to present himself at the right time, be in the correct dress code, speak in acceptable manner and display a convincing attitude. Likewise in *du ʿā*, one must follow the protocols and procedures to have his duʿā accepted.

The Prophet (salallahu alaihi wasallam) said,

“The slave continues to be answered, provided he does not pray for a wrong action or severance of kin, as long as he does not become over-impatient." It was said, "Messenger of Allah, what is over-impatience?" He said, "He says, 'I prayed and I prayed and I did not find Him answering me,' so he stops short at that and ceases making supplication." (Muslim hadith no.2735) [120]

Imam Ghazāli (rahimahullah) mentions the following ten etiquettes for the acceptance of *du ʿā*:

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[١٢٠] عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «لَا يَزَالُ يُسْتَجَابُ لِلْعَبْدِ، مَا لَمْ يَدْعُ بِإِثْمٍ أَوْ قَطِيعَةِ رَحِمٍ، مَا لَمْ يَسْتَعْجِلْ» قِيلَ: يَا رَسُولَ اللهِ مَا الِاسْتِعْجَالُ؟ قَالَ: يَقُولُ: «قَدْ دَعَوْتُ وَقَدْ دَعَوْتُ، فَلَمْ أَرَ يَسْتَجِيبُ لِي، فَيَسْتَحْسِرُ عِنْدَ ذَلِكَ وَيَدَعُ الدُّعَاءَ» (صحيح مسلم رقم الحديث ٢٧٣٥)

1) Making abundant duʽā in sacred and special times of acceptance. For example, on the day of *ʽArafah*, *Jumuʽah,* in Ramadhān and in the last portion of the nights etc.

2) To make *duʽā* in specific states. There are certain circumstances in which duʽās are readily accepted. Such as in the state of prostration, at the confrontation of two armies, at the time of rain, before and after *salāh* etc.

3) To face the *qiblah*, raise the hands and wipe the hands over the face upon completing the *duʽā*.

4) To have the voice lowered.

5) To invoke Allah Taʽālā through words and sentences which the Prophet (salallhu alaihi wasllam) taught us. It is undesirable to put a lot of effort to make our own rhymes and rhythms in *duʽā*.

6) To display humblesness externally and have the heart submit totally.

7) To have a firm conviction that Allah Taʽālā will accept the *duʽā*. One should have full hope that Allah most definitely will respond to his/her prayer.

8) To persist in *duʽā* and repeat each invocation at least three times.

9) To commence the *duʽā* with the praise of Almighty Allah, sending blessings upon the Prophet (salallahu alaihi wasallam) and to conclude the *duʽā* with the praise of Allah and blessings upon the Prophet.

10) One must make sure he has sought the forgiveness of Allah and sincerely repented before asking Allah from His bounties.

If one has oppressed anybody or hurt anyone, the oppressed person's forgiveness must be sought

immediately. *Tawbah* (repentance) is only valid when those whom we have wronged have pardoned us.[121]

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١٢١ وقال الإمام أبو حامد الغزالي في " الإحياء ": آدابُ الدعاء عشرة: الأول: أن يترصَّدَ الأزمان الشريفة، كيوم عَرَفَة، وشهر رمضان، ويوم الجمعة، والثلث الأخير من الليل، ووقت الأسحار.
الثاني: أن يغتنمَ الأحوالَ الشريفة، كحالة السجود، والتقاء الجيوش، ونزول الغيث، وإقامة الصلاة، وبعدَها.
قلتُ: وحالة رقّة القلب.
الثالث: استقبالُ القبلة، ورفعُ اليدين، ويمسحُ بهما وجهه في آخره.
الرابع: خفضُ الصوت بين المخافتة والجهر.
الخامس: أن لا يتكلَّف السجعَ، وقد فسَّر به الاعتداء في الدعاء، والأولى أن يقتصر على الدعوات المأثورة، فما كل أحد يُحسن الدعاءَ، فيخاف عليه الاعتداء.
وقال بعضهم: ادعُ بلسان الذلّة والافتقار، لا بلسان الفصاحة والانطلاق، ويُقال: إن العلماء والأبدال لا يزيدون في الدعاء على سبع كلمات، ويشهد له ما ذكره الله سبحانه وتعالى في آخر سورة البقرة (رَبَّنا لا تُؤَاخِذْنا ...) إلى آخرها [البقرة: ٢٨٦] لم يخبر سبحانه في موضع عن أدعية عباده بأكثر من ذلك.
قلتُ: ومثلهُ قولُ الله سبحانه وتعالى في سورة إبراهيم (صلى الله عليه وسلم) : (وَإِذْ قالَ إِبْرَاهِيمُ: رَبِّ اجْعَلْ هَذَا البَلَدَ آمِناً..) إلى آخره [إبراهيم: ٣٥] .
قلتُ: والمختار الذي عليه جماهير العلماء أنه لا حجرَ في ذلك، ولا تُكرهُ الزيادةُ على السبع، بل يُستحبّ الإكثارُ من الدعاء مطلقاً.
السادس: التضرّعُ والخشوعُ والرهبة، قال الله تعالى: (إِنَّهُمْ كانُوا يُسارِعُونَ في الخَيْرَاتِ وَيَدْعُونَنا رَغَباً وَرَهَباً وكانُوا لَنا خاشِعِينَ) [الأنبياء: ٩٠] وقال تعالى: (ادْعُوا رَبَّكُمْ تَضَرُّعاً وخفية) [الأعراف: ٥٥] .
السابع: أن يجزمَ بالطلب، ويُوقن بالإجابة، ويصدقَ رجاءه فيها، ودلائلُه كثيرةٌ مشهورة.
قال سفيان بن عُيينة رحمه الله: لا يمنعنّ أحدَكم من الدعاء ما يعلمُه من نفسه، فإن الله تعالى أجاب شرّ المخلوقين إبليس، إذ قال: رب أَنْظِرْنِي إلى يَوْمِ يُبْعَثُونَ قالَ إِنَّكَ مِنَ الْمُنْظَرِينَ) [الأعراف: ١٤ - ١٥] .
الثامن: أن يُلحّ في الدعاء ويكرّره ثلاثا، ولا يستبطئ الإجابة.
التاسع: أن يفتتح الدعاء بذكر الله تعالى.
قلتُ: وبالصلاة على رسول الله (صلى الله عليه وسلم) بعد الحمد لله تعالى والثناء عليه، ويختمه بذلك كله أيضاً.

In conclusion, one's *duʿā* being accepted does not necessarily mean being given what was asked for. If a *duʿā* is accepted, we could receive what was asked for, or an impending calamity can be averted, or the *duʿā* can be reserved for us in the hereafter as reward.

Working at a gas station which sells alcohol

Q: I work at a gas station. It is a gas station and they sell there beer, wine, cigarettes. They make most of their money by selling gas. I work there as assistant manager and usually work in the morning. In the morning they don't really sell beer or wine, but cigarettes they sell all the time.Since I work there as assistant manager so I try my best to stay away from doing haram things there, like standing on the register, filling up the beer cooler and many other haram things but i cannot stay away from them all the time(I prefer to do halal things there like cleaning, making coffee, filling up the non alcoholic beverages cooler, fixing candies.). I also have to place grocery order twice a week there.I don't make the order of beer or wine but making cigarettes order is part of my job.Please help me.

A: We commend you for your concern regarding the source of your income.

العاشر: وهو أهمّها والأصل في الإجابة، وهو التوبةُ، وردُّ المظالم، والإقبال على الله تعالى. (الأذكار ٥٥٦-٥٥٨ دار ابن كثير)

As a principle, two aspects are considered when analysing the Shari'ah compliancy of any job:

1) The nature of the job itself.
2) The source of the funds from which the employees will be remunerated.

You state you do the cleaning, make coffee, fill up the non alcoholic beverages cooler, fix candies and make orders for stock. These jobs you do at the gas station are of a halāl nature. [122]

With regards to scanning alcohol at the register, it is permissible according to the view of Imām Abu Hanīfah. The person who stands at a register is merely handing over the item bought to the customer. The individual at the cash register is similar to one who transports wine. The opinion of Imām Abu Hanīfah regarding the transporter of wine is that it is permissible to do so. Such a job does not constitute to assistance in sin. The hadīth which states that the transporter of wine is accursed is referring to the one who intends sin when transporting the wine.[123] The cashier

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١٢٢ وفي مجلة الأحكام العدلية مادة ٥٦٢ يجوز إجارة الآدمي للخدمة أو لإجراء صنعة ببيان مدة أو بتعيين العمل (ص ١٠٥ قديمي كتب خانه)

١٢٣ وفي الاختيار لتعليل المختار (وَمِنْ حَمَلَ خَمْرًا لِذِمِّيٍّ طَابَ لَهُ الْأَجْرُ) وَقَالَا: يُكْرَهُ لِأَنَّهُ أَعَانَهُ عَلَى الْمَعْصِيَةِ. وَفِي الْحَدِيثِ: «لَعَنَ اللَّهُ فِي الْخَمْرِ عَشْرًا " وَعَدَّ مِنْهُمْ " حَامِلَهَا» وَلَهُ أَنَّ الْمَعْصِيَةَ شُرْبُهَا، وَلَيْسَ مِنْ ضَرُورَاتِ الْحَمْلِ وَهُوَ فِعْلُ فَاعِلٍ مُخْتَارٍ، وَمَحْمَلُ الْحَدِيثِ الْحَمْلُ لِقَصْدِ الْمَعْصِيَةِ حَتَّى لَوْ حَمَلَهَا يُرِيقُهَا أَوْ لِيُخَلِّلَهَا جَازَ (ج ٢ ص ٣٩٤ دار قباء)

وفي تبيين الحقائق (وَحَمْلُ خَمْرٍ لِذِمِّيٍّ بِأَجْرٍ) أَيْ جَازَ ذَلِكَ أَيْضًا، وَهَذَا عِنْدَ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ -، وَقَالَا هُوَ مَكْرُوهٌ؛ لِأَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لَعَنَ فِي الْخَمْرِ عَشَرَةً، وَعَدَّ مِنْهَا حَامِلَهَا، وَلَهُ أَنَّ الْإِجَارَةَ

here does not intend sin, he merely intends to do his job and check out the item on behalf of the buyer.[124]

Likewise, when filling up the beer cooler, you are not giving wine to anybody to drink. You are merely transporting it to another place. Hence, according to Imam Abu Hanīfah rahimahullah, this will also be permissible. According to Imam Abu Yūsuf and Imam Muhammad rahimahumllah, the above jobs do constitute in sin and will be regarded as assistance in sin. However, the view of Imam Abu Hanīfah rahimahullah is the stronger of the two views, hence it will be permissible.

The majority of the revenue is accrued by the sale of gas. Hence, the income is also halāl.[125]

عَلَى الْحَمْلِ، وَهُوَ لَيْسَ بِمَعْصِيَةٍ، وَلَا تَسَبُّبٍ لَهَا، وَإِنَّمَا تَحْصُلُ الْمَعْصِيَةُ بِفِعْلِ فَاعِلٍ مُخْتَارٍ، وَلَيْسَ الشُّرْبُ مِنْ ضَرُورَاتِ الْحَمْلِ؛ لِأَنَّ حَمْلَهَا قَدْ يَكُونُ لِلْإِرَاقَةِ أَوْ التَّخْلِيلِ فَصَارَ كَمَا لَوْ اسْتَأْجَرَهُ لِعَصْرِ الْعِنَبِ أَوْ قَطْفِهِ، وَالْحَدِيثُ مَحْمُولٌ عَلَى الْحَمْلِ الْمَقْرُونِ بِقَصْدِ الْمَعْصِيَةِ، وَعَلَى هَذَا الْخِلَافِ إذَا آجَرَهُ دَابَّةً لِيَنْقُلَ عَلَيْهَا الْخَمْرَ أَوْ آجَرَهُ نَفْسَهُ لِيَرْعَى لَهُ الْخَنَازِيرَ فَإِنَّهُ يَطِيبُ لَهُ الْأَجْرُ عِنْدَ أَبِي حَنِيفَةَ - رَحِمَهُ اللَّهُ (ج ٦ ص ٢٩ مكتبة إمدادية)

[124] وفي خلاصة الكلام في مسألة الإعانة على الحرام المعتمد في الفساد هو قصد المشتري لا البائع، فقال بعد ذكر المسألة: لا فساد في قصد البائع، فإن قصده التجارة بالتصرف فيما هو حلال لاكتساب الربح، وإنما المحرم والفساد في قصد المشتري اتخاذ الخمر منه (ص ١٩)

[125] وفي الفتاوى البزازية غَالِبُ مَالِ الْمُهْدِي إنْ حَلَالًا لَا بَأْسَ بِقَبُولِ هَدِيَّتِهِ وَأَكْلِ مَالِهِ مَا لَمْ يَتَبَيَّنْ أَنَّهُ مِنْ حَرَامٍ؛ لِأَنَّ أَمْوَالَ النَّاسِ لَا يَخْلُو عَنْ حَرَامٍ فَيُعْتَبَرُ الْغَالِبُ وَإِنْ غَالَبَ مَالَهُ الْحَرَامُ لَا يَقْبَلُهَا وَلَا يَأْكُلُ (ج ٢ ص ٤٧٨ دار الكتب العلمية)

وفي الفتاوى الهندية أَهْدَى إلَى رَجُلٍ شيئا أو أَضَافَهُ إنْ كان غَالِبُ مَالِهِ من الْحَلَالِ فَلَا بَأْسَ إلَّا أَنْ يَعْلَمَ بِأَنَّهُ حَرَامٌ فَإِنْ كان الْغَالِبُ هو الْحَرَامَ يَنْبَغِي أَنْ لَا يَقْبَلَ الْهَدِيَّةَ وَلَا يَأْكُلَ الطَّعَامَ إلَّا أَنْ يُخْبِرَهُ بِأَنَّهُ حَلَالٌ وَرِثْتُهُ أو اسْتَقْرَضْتُهُ من رَجُلٍ كَذَا في الْيَنَابِيعِ (ج ٥ ص ٣٤٢ مكتبة رشيدية)

In conclusion, your job at the gas station is permissible and the income is also halāl. However, still try your utmost to stay away from the alcohol considering the view of Imam Abu Yūsuf and Imam Muhammad.

Sending someone for Haj if one has enough money for the Fardh Hajj

Q: If a person all his life never had enough money to go for Hajj but when he was old and sick he had enough money that made Hajj Fard. Is it Wajib for him to send someone to perform it for him while he is alive.

A: In principle, all of the necessary requirements for Hajj have to be met *at the same time* in order for Hajj to become obligatory. Therefore, if one does not have sufficient financial means, Hajj is not obligatory even though he is healthy. In a similar manner, if one has sufficient means for Hajj, but is so sick that he is not capable of performing Hajj, Hajj is neither mandatory nor does he have to send someone to perform on his behalf. This is of course for the one who attained sufficient means after he became sick. However if he attained enough wealth before the sickness, then after the sickness it is mandatory to

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وكذا في فتاوى محمودية ج ١٦ ص ٥٦١-٥٦٠ إدارة الفاروق
وكذا في جامع الفتاوى ج٦ ص ٣٥٥ إدارة تأليفات أشرفية
وكذا في إمداد الأحكام ج ٢ ص٥٥١-٥٥٠ مكتبة دار العلوم كراتشي

send someone to perform Hajj on his behalf. [126] [127] [128]

Wearing Niqab during Hajj and giving Sadaqah

Q: While performing Hajj is it necessary that the Niqaab of a women does not touch her face while she is in Ihraam? Can she give some charity if she finds this difficult?

A: Leaving the face uncovered is part of the woman's Ihrām. Nabi Sallallāhu Alaihi Wa Sallam has said:

"The Ihrām of a female is in her face and the Ihrām of a man is in his head."

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[١٢٦] زبدة المناسك مع عمدة المناسك, ص ٢٧-٢٨: سعيد

[١٢٧] وَمِنْهَا صِحَّةُ الْبَدَنِ فَلَا حَجَّ على الْمَرِيضِ وَالزَّمِنِ وَالْمُقْعَدِ وَالْمَفْلُوجِ وَالشَّيْخِ الْكَبِيرِ الذي لَا يَثْبُتُ على الرَّاحِلَةِ بِنَفْسِهِ وَالْمَحْبُوسِ وَالْمَمْنُوعِ من قِبَلِ السُّلْطَانِ الْجَائِرِ عن الْخُرُوجِ إلَى الْحَجِّ لِأَنَّ اللَّهَ تَعَالَى شَرَطَ الإستطاعة لِوُجُوبِ الْحَجِّ وَالْمُرَادُ منها اسْتِطَاعَةُ التَّكْلِيفِ وَهِيَ سَلَامَةُ الْأَسْبَابِ وَالْآلَاتِ وَمِنْ جُمْلَةِ الْأَسْبَابِ سَلَامَةُ الْبَدَنِ عن الْآفَاتِ الْمَانِعَةِ عن الْقِيَامِ بِمَا لَا بُدَّ منه في سَفَرِ الْحَجِّ لِأَنَّ الْحَجَّ عِبَادَةٌ بَدَنِيَّةٌ فَلَا بُدَّ من سَلَامَةِ الْبَدَنِ وَلَا سَلَامَةَ مع الْمَانِعِ
وَعَنْ ابْنِ عَبَّاسٍ رضي اللَّهُ عنه في قَوْلِهِ عز وجل { من اسْتَطَاعَ إلَيْهِ سَبِيلًا } أَنَّ السَّبِيلَ أَنْ يَصِحَّ بَدَنُ الْعَبْدِ وَيَكُونَ له ثَمَنُ زَادٍ وَرَاحِلَةٍ من غَيْرِ أَنْ يُجْحِبَ وَلِأَنَّ الْقُرَبَ وَالْعِبَادَاتِ وَجَبَتْ بِحَقِّ الشُّكْرِ لِمَا أَنْعَمَ اللَّهُ على الْمُكَلَّفِ فإذا مُنِعَ السَّبَبُ الذي هو النِّعْمَةُ وهو سَلَامَةُ الْبَدَنِ أو الْمَالِ كَيْفَ يُكَلَّفُ بِالشُّكْرِ وَلَا نِعْمَةَ (بدائع الصنائع,ج ٢,ص٢٩٥:المكتبة الرشيدية)

[١٢٨] قوله (صحيح البدن) أي سالم عن الآفات المانعة عن القيام بما لا بد منه في السفر فلا يجب على مقعد ومفلوج وشيخ كبير لا يثبت على الراحلة بنفسه وأعمى وإن وجد قائدا ومحبوس وخائف من سلطان لا بأنفسهم ولا بالنيابة في ظاهر المذهب عن الإمام وهو رواية عنهما وظاهر الرواية عنهما وجوب الإحجاج عليهم ويجزيهم إن دام العجز وإن زال أعادوا بأنفسهم (رد المحتار, ج ٢, ص ٤٥٩: سعيد)

(Sunan Ad-Dāru Qutni, Hadīth No. 2761)[129]

In these times of corruption and evil, it is advisable that a woman in Ihrām covers her face in such a way that the covering cloth (niqāb) does not touch the face. That is by wearing a cap and drawing the niqāb from a distance away from the face. However if we suppose the niqāb does end up touching the face, then charity equivalent to the amount of Sadaqatul Fitr is due. And if she wears niqāb whilst touching her face for a complete day, a Damm (sacrificed animal) is due. [130] [131]

Performing Hajj Badl for someone who has not done his Fardh Hajj as yet.

Q: Can a person who has not yet performed his Fardh Hajj perform Hajj-Badal? If he does, will he be absolved of his Fardh Hajj?

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[١٢٩] إِحْرَامُ الْمَرْأَةِ فِي وَجْهِهَا وَإِحْرَامُ الرَّجُلِ فِي رَأْسِهِ (دار قطني, رقم الحديث ٢٧٦١, مؤسسة الرسالة)

[١٣٠] وليس للمراة ان تنتقب وتغطي وجهها فان فعلت ذالك يوما كاملا فعليها دم (الجوهرة النيرة,ج ١, ص ٢١٨: مير محمد كتب خانه)

[١٣١] (فان فعلت) اي ما ذكر من تغطية الوجه (يوما فعليها دما, وفي الاقل صدقة) (حاشية ارشاد الساري الي مناسك الملا علي القاري, ص ٤٣٨: مؤسسة الريان)

A: It is permissible for a person who has not yet performed his own Fardh Hajj to perform Hajj-Badal (on behalf of someone else). However, this is Makrooh (disliked).[132]

The person who is performing the Hajj-Badal will not be absolved of his Fardh Hajj since he is doing it on behalf of someone else.[133]

Settlement discount on credit

Q: When purchasing goods on credit from a supplier, they offer you terms of 60 days or 90 days to pay. But if you pay them within 30 days, they offer you a settlement discount of 2.5 % or 5 %. Is it permissible to take that settlement discount?

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[١٣٢] وَالْأَفْضَلُ لِلْإِنْسَانِ إذَا أَرَادَ أَنْ يُحِجَّ رَجُلًا عَنْ نَفْسِهِ أَنْ يُحِجَّ رَجُلًا قَدْ حَجَّ عَنْ نَفْسِهِ، وَمَعَ هَذَا لَوْ أَحَجَّ رَجُلًا لَمْ يَحُجَّ عَنْ نَفْسِهِ حَجَّةَ الْإِسْلَامِ يَجُوزُ عِنْدَنَا وَسَقَطَ الْحَجُّ عَنْ الْآمِرِ، كَذَا فِي الْمُحِيطِ (الفتاوى الهندية (١/ ٢٥٧))

ومع هذا لو أحج رجلاً لم يحج عن نفسه حجة الإسلام يجوز عندنا، وسقط الحج عن الآمر (المحيط البرهاني في الفقه النعماني (٢/ ٤٧٨))

خير الفتاوي (١٥٦/٤) مكتبه امداديه ، فتاوي محموديه (٤٠١/١٠) ادارة الفاروق

[١٣٣] ثُمَّ الصَّحِيحُ مِنْ الْمَذْهَبِ فِيمَنْ حَجَّ عَنْ غَيْرِهِ أَنَّ أَصْلَ الْحَجِّ يَقَعُ عَنْ الْمَحْجُوجِ عَنْهُ وَلِهَذَا لَا يَسْقُطُ بِهِ الْفَرْضُ عَنْ الْمَأْمُورِ وَهُوَ الْحَاجُّ (الفتاوى الهندية (١/ ٢٥٧))

ثم ظاهر المذهب أن الحج يقع عن المحجوج عنه (الهداية في شرح بداية المبتدي (١/ ١٧٨))

ومن أمره رجلان بأن يحج عن كل واحد منها حجة فأهل بحجة عنهما فهي عن الحاج ويضمن النفقة " لأن الحج يقع عن الأمر حتى لا يخرج الحاج عن حجة الإسلام (الهداية في شرح بداية المبتدي (١/ ١٧٩))

وَأَمَّا كَيْفِيَّةُ النِّيَابَةِ فِيهِ، فَذَكَرَ فِي الْأَصْلِ أَنَّ الْحَجَّ يَقَعُ عَنْ الْمَحْجُوجِ عَنْهُ (بدائع الصنائع في ترتيب الشرائع (٢/ ٢١٢))

If you could please give me an official answer from darul-iftaa, I would appreciate much.

A: It is permissible to purchase goods on a credit basis of 60 days or 90 days. If the creditor offers you a discount of 2.5% or 5% on early payment, that is his choice and prerogative. He is not legally bound to give you a discount. If he claims the full amount and does not give you a discount as agreed, he has the right to do so. If he does give a discount, that is his gesture of goodwill.

Swords of Rasulullah salallahu alayhi wasallam

Q: Our beloved Nabi salallahu alaihi wasallam owned quite a few swords during his Mubarak life (was it 11 in total?), and he named each one of them. Could you please give me the names of each sword, the meaning of each name and a brief description of the significance of each name?

A: Some scholars are of the opinion that the Prophet *salallahu alaihi wasallam* had 9 swords. The famous *Hanafi* jurist ‘allāmah Badr al-dīn al-ʿAynī is of the opinion that the Prophet *salallahu alaihi wasallam* had 10 swords. Muhammad ibn Yūsuf al-Sahihī ash-Shāmī *rahimahullah* states in his famous work in *sīrah* that the Prophet *salallahu alaihi wasallam*

had 11 swords.[134] The difference of opinion is based on the fact that each scholar narrated what he was aware of.

1) The sword *Dhul-faqār*:

Dhul-faqār means the one with holes or the one with protrusions. This sword is named *Dhul-faqār* because it has holes or protrusions on it.

It is the most famous of the swords; the Prophet *salallahu alaihi wasallam* acquired this sword from the spoils of war in the battle of *Badr*. It belonged to a non-Muslim al-ʿĀs ibn Munabbih who was killed in the battle of *Badr*. There is an opinion that this sword initially belonged to Sulaymān *alaihis salaam*, and was passed down eventually reaching the Prophet *salallahu alahi wasallam*. The Prophet *salallahu alaihi*

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[١٣٤] وَكَانَت لَهُ عشرَة أسياف، وَالْمَشْهُور مِنْهَا: ذُو الفقار، الَّذِي تنفله يَوْم بدر، وَهُوَ الَّذِي تَأَخّر بعده، وَفِي (الْمرْآة) : لم يزل ذُو الفقار عِنْده، صلى الله عَلَيْهِ وَسلم، حَتَّى وهبه لعَلي بن أبي طَالب، رَضِي الله تَعَالَى عَنهُ، قبل مَوته، ثمَّ انْتقل إِلَى مُحَمَّد بن الْحَنَفِيَّة، ثمَّ إِلَى مُحَمَّد بن عبد الله بن الْحسن بن الْحُسَيْن، رَضِي الله تَعَالَى عَنْهُم،(عمدة القاري شرح صحيح البخاري لبدر الدين العينى ج ١٤ ص ٣١ دار إحياء التراث العربي)

كَانَ لَهُ تِسْعَة سيوف مِنْهَا ذُو الفقار والقلعى والبتار والحتف والمخدم والرسوب والقضيب وَهُوَ أول سيف تقلد بِهِ صلى الله عَلَيْهِ وَسلم (غاية السول في سيرة الرسول لدكتور محمد كمال الدين عز الدين علي ص ٥٨ عالم الكتب)

وقد كان له صلّى الله عليه وسلّم سيوف متعدّدة؛ فقد كان له:

سيف يقال له: (المأثور) ؛ وهو أوّل سيف ملكه عن أبيه. وله سيف يقال له: (القضيب) . وله سيف يقال له: (القلعي) - نسبة إلى قلع- موضع بالبادية. وله سيف يقال له: (البتّار) .

وسيف يدعى: (الحتف) . وسيف يدعى: (المخذم) ، بكسر الميم. وسيف يدعى: (الرّسوب) . وسيف يقال له: (الصّمصامة) . وسيف يقال له: (اللّحيف) . وسيف يقال له: (ذو الفقار). و (الفقر) : الحفر.

(وسائل الوصول الى شمائل الرسول ص ١٣٣ دار المنهاج)

wasallam gifted this sword to Sayyiduna Ali *radiallahu anhu* later.[135]

2) The sword *Al-Ma'thūr*:

Linguistically *Al-Ma'thūr* means to be inherited. Rasulullah salallahu alaihi wasallam inherited this sword from his father's estate, hence this sword became known as 'the inherited one'. This is reported to be the first sword the Prophet *salallahu alaihi wasallam* owned. . It was this sword the Prophet *salallahu alaihi wasallam* had in his scabbard on his way to al-Madīnah al-Munawwarah. It is reported that this sword was made by the *Jinn*.[136]

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١٣٥ تنفل سَيْفه ذَا الفقار فِي الْقَامُوس ذُو الفقار بِالْفَتْح سيف الْعَاصِ بن منبة قتل يَوْم بدر فَصَارَ الى النَّبِي صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ ثمَّ صَار الى عَليّ كرم الله وَجهه انْتهى وَإِنَّمَا سمى بِهِ لِأَنَّهُ كَانَ فِي ظَهره خروز يشبه الفقرات وَقَوله تنفل الى اخذه لنَفسِهِ نفلا أَي زِيَادَة (إنجاح الحاجة شرح سنن إبن ماجه لمحمد عبد الغني المجددي الحنفي ص ٢٠٢ قديمي كتب خانه)

ذو الفقار: سمي كذلك؛ لأنه كان في وسطه حفر صغار، أو في وسطه مثل فقرات الظهر. وهو من أشهر أسيافه صلّى الله عليه وسلّم، وكان لا يكاد يفارقه ودخل به مكة يوم الفتح وهو الذي رأى فيه الرؤيا يوم أحد، وهو سيف سليمان بن داود عليهما الصلاة والسلام، أهدته بلقيس مع ستة أسياف، ثم وصل إلى العاص بن منبه بن الحجاج المقتول كافرا ببدر، قتله علي ابن أبي طالب رضي الله عنه، وأخذ سيفه منه، ثم صار إلى النبي صلّى الله عليه وسلّم يوم بدر من الغنيمة، وكان هذا السيف لا يفارقه في حروبه كافة. ويقال: إنه صار لأمير المؤمنين علي ابن أبي طالب- كرم الله وجهه- في الجنة، ولعله: كان يأخذه منه في الحروب، أو أنه أعطاه له عند موته، (حاشية وسائل الوصول ليوسف بن إسماعيل بن يوسف النَّبْهَاني

ص ١٣٣ دار المنهاج)

١٣٦ الأول: المأثور- وهو أول سيف ملكه، ورثه من أبيه، وقدم به المدينة، وهو الذي يقال إنه من عمل الجنّ.وروى ابن سعد عن عبد المجيد بن سهل قال: قدم رسول الله صلى الله عليه وسلم المدينة في الهجرة بسيف كان لأبي [قثم] مأثور يعني أباه. (سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٧ ص ٣٦٣ دار الكتب العلمية)

3) The sword *Qala ʿīyyah:*
Qala ʿīyyah is named after a place in the deserts. The Prophet *salallahu alaihi wasallam* acquired this sword from the booty of *Banu Qaynuqāʿ*.[137]

4) The sword *Al-Battār:*
Al-Battār means the slaughterer. The Prophet *salallahu alaihi wasallam* acquired this sword from the booty of *Banu Qaynuqāʿ*.[138]

5) The sword *Al-Hataf:*
Al-Hataf means death. The Prophet *salallahu alaihi wasallam* acquired this sword also from the booty of *Banu Qaynuqāʿ*. It is reported that this sword had a horn attached to it.[139]
6) The sword *Al-Mikhtham:*
Al-Mikhtham also means the slaughterer. When the Prophet *salallahu alaihi wasallam* sent *Sayyiduna* Ali *radiallahu anhu* to destroy the idols of Tay, he found two swords next to the

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[١٣٧] الثالث والرابع والخامس: أصابهم من سلاح بني قينقاع. وروى ابن سعد عن مروان بن أبي سعيد بن المعلى قال: أصاب رسول الله صلى الله عليه وسلم من سلاح بني قينقاع ثلاثة أسياف: قلعيّة: بفتح القاف واللام ثم عين مهملة نسبة إلى مرج القلعة بالبادية (سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٧ ص ٣٦٤ دار الكتب العلمية)

[١٣٨] وسيف يدعى البتار، والبتار القاطع (وفي سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٧ ص ٣٦٤ دار الكتب العلمية)

[١٣٩] وسيف يدعى الحتف: بالحاء المهملة، ثم تاء مثناة فوقية، ثم فاء.
روى ابن سعد عن مجاهد وزياد بن أبي مريم قالا: كان سيف رسول الله صلى الله عليه وسلم الحتف له قرن.(سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي
ج ٧ ص ٣٦٤ دار الكتب العلمية)

idols. One of these swords was *al-Mikhtham*. The Prophet *salallahu alaihi wasallam* gifted this sword to Sayyiduna Ali *radiallahu anhu*.[140]

7) The sword *Al-Rasūb:*

Linguistically means to plunge. The sword was named as *al-Rasūb* as it would plunge into those hit with it. This sword was also taken as booty from the expedition on *Tay*. Like *al-Mikhtham*, the Prophet *salallahu alaihi wasallam* gifted this sword to *Sayyiduna* Ali *radiallahu anhu* also.[141]

8) The sword *Al- 'Adhb:*

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١٤٠ السادس والسابع: أصابهما من صنم لطي.
وروى ابن سعد عن مروان بن أبي سعيد بن المعلى قال: كان عند رسول الله صلى الله عليه وسلّم سيف يدعى المخذم، وسيف يدعى رسوبا أصابهما من الفلس، بضم الفاء، وسكون اللام (سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي)
قَالَ ابْنُ إسْحَاقَ: وَكَانَتْ فِلْسُ [١] لِطَيِّءٍ وَمَنْ يَلِيهَا بِجَبَلَيْ طيّئ، يَعْنِي سَلْمَى وَأَجَأً.
قَالَ ابْنُ هِشَامٍ: فَحَدَّثَنِي بَعْضُ أَهْلِ الْعِلْمِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بَعَثَ إلَيْهَا عَلِيَّ بْنَ أَبِي طَالِبٍ فَهَدَمَهَا، فَوَجَدَ فِيهَا سَيْفَيْنِ، يُقَالُ لِأَحَدِهِمَا:
الرَّسُوبُ، وَلِلْآخِرِ: الْمِخْذَمُ. فَأَتَى بِهِمَا رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَوَهَبَهُمَا لَهُ، فَهُمَا سَيْفَا عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ.
[١] كَذَا فِي الْأَصْنَام لِابْنِ الْكَلْبِيّ، وَكَانَ أنفًا أَحْمَر فِي وسط جبلهم الّذي يُقَال لَهُ أجأ، كَأَنَّهُ تِمْثَال إِنْسَان، وَكَانُوا يعبدونه ويهدون إِلَيْهِ، وَلَا يَأْتِيهِ خَائِف إِلَّا أَمن عِنْده، وَكَانَت سدنته بَنو بولان.
وبولان هُوَ الّذي بَدَأَ بِعِبَادَتِهِ. وَفِي الْأَصْل: قلس (بِالْقَافِ) ، وَهُوَ تَصْحِيف.(سيرة ابن هشام ج ١ ص ٨٧ مكتبة ومطبعة مصطفى البابي الحلبي)

١٤١ وَالرَّسُوبُ: مِنْ رَسَبَ فِي الْمَاءِ إِذَا غَاصَ فِيهِ، لأَنَّ ضَرْبَتَهُ تَغُوصُ فِي الْمَضْرُوبِ بِهِ. (عيون الأثر لابن سيد الناس، اليعمري الربعي ج ٢ ص ٣٨٨ دار القلم)

This also means to cut and hack. This sword was gifted to the Prophet *salallahu alaihi wasallam* by Sa'd ibn ʿUbādah *radiallahu anhu* in the battle of *Badr.* [142]

9) The sword *Al-Qadhīb:*

This also means to slice and slash. The Prophet *salallahu alaihi wasallam* obtained this from the spoils of *Banu Qaynuqā ʿ.* The sword is reported to have been slender and slim. The Prophet *salallahu alaihi wasallam* would at times lean on this sword and deliver the sermon.[143]

10) The sword *Al-Samsāmah:*

This refers to a sharp cutting sword which does not curve or bend. This was a very famous sword which belonged to

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[١٤٢] وَكَانَ رسول الله صلى الله عليه وسلم قد غَزَا إِلَى بَدْرٍ بِسَيْفٍ وَهَبَهُ لَهُ سَعْدُ بْنُ عُبَادَةَ يُقَالُ لَهُ الْعَضْبُ (المغازي للواقدي ج ١ ص ١٠٣ دار الأعلمي)

العضب- بفتح العين المهملة، وسكون الضّاد المعجمة السّاقطة وبالموحدة: السيف القاطع.(سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٥ ص ٣٧٩ دار الكتب العلمية)

[١٤٣] التاسع: القضيب بالقاف، والضاد المعجمة: أصابه من سلاح بني قينقاع.(سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٧ ص ٣٦٤ دار الكتب العلمية)

(على أنّه القضيب الممشوق) أي الطويل الدقيق (الذي كان يمسكه عليه الصلاة والسلام) أي بيده حال القيام وعند خطبته للانام وموعظته لاصحابه الكرام،(شرح الشفا ج ١ ص ٥٠٣ دار الكتب العلمية)

وسيف يقال له القضيب، من قضب الشيء: قطعه، فعيل بمعنى فاعل: أي قاطع.(السيرة الحلبية ج ٣ ص ٤٦١ دار الكتب العلمية)

ʿAmr ibn Maʿdīkarib. The Prophet *salallahu alaihi wasallam* gifted this to Khalid ibn Saʿīd ibn al-ʿĀs *radiallahu anhuma*.[144]

11) The sword *Al-Lahīf:*
There is not much narrated regarding this sword. The Prophet *salallahu alaihi wasallam* owned a horse with a similar name.

A sign of loving someone is that you love everything that has a link to that person. True love for the Prophet *salallahu alaihi wasallam* demands we love everything he came into contact with, even if it was a sword he held for a single second. The value and blessings of a sword used by the Prophet *salallahu alaihi wasallam* is far greater than the value of all the swords in the world.

To gain the love of the Prophet *salallahu alaihi wasallam* we must adhere to the following:
1) Learn and study his life and lifestyle (sunnah)
2) Practice his *sunnah*
3) Recite abundant *salawāt*
4) Constantly remember the Prophet *salallahu alaihi wasallam*; his favours, sacrifice and love for his *ummah*.

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[١٤٤] العاشر: الصّمصامة: كانت لعمرو بن معد كرب الزّبيدي، فوهبها خالد بن سعيد بن العاص بن أمية بن عبد شمس بن عبد مناف بن قصي استعمله صلى الله عليه وسلّم وكانت مشهورة عند العرب.(
سبل الهدى والرشاد لمحمد بن يوسف الصالحي الشامي ج ٧ ص ٣٦٤ دار الكتب العلمية)
وزاد اليعمري وغيره: الصمصامة، ويقال له: الصمصام -بفتح المهملة، وإسكان الميم فيهما، السيف الصارم الذي لا ينثني، كان سيف عمرو بن معديكرب، وكان مشهورًا، فوهبه -صلى الله عليه وسلم- لخالد بن سعيد بن العاص (شرح الزرقاني على المواهب اللدنية بالمنح المحمدية ج ٥ ص ٨٨ دار الكتب العلمية)

May Allah Ta'āla grant us all the true love for the Prophet *salallahu alaihi wasallam. Āmīn.*

Hiring an Ahl e Hadeeth for muslim school girl

Q: Is it permissible for Muslim girls school in the UK (which has mature girls), to keep a Ahle Hadith (who is not religious) as the manager of the school and is it permissible to put him in the office of the school?

A: A manager of a school is responsible to administer the issues of the school. As such he holds a senior position with great power and influence. The impact of such a person's influence will definitely leave its mark on those around and under him.

Education of children is an Amānat. Generally children are naïve and vulnerable to whatever they are exposed to. They will absorb whatever they are taught. The sense of distinguishing between right and wrong is still not present. This is a time when this is created. What they learn will be carried by them in their lives. If proper values were instilled then this will be exemplified in their lives and the same would be said for the opposite.

"Verily this knowledge is religion, so be cautious in who you take your religion from."[145]

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[١٤٥] إِنَّ هَذَا الْعِلْمَ دِينٌ ; فَانْظُرُوا عَمَّنْ تَأْخُذُونَ دِينَكُمْ

In order to nurture children with the correct philosophy and ways we should be very sensitive and selective in the type of people and environment we submit our children to.

If the manager or administrator of a school is one who's thinking and values are in line with the teachings of our *Prophet salallāhu ʿalayhi wasallam,* Sahabah *radhiyahllāllu ʿanhum*, pious predecessors and elders *rahimahumullāh* who adhere to following a particular Mazhab, we can have a level of assurance that the development of our children are in safe hands. But where this is not the case, it is a cause of concern. We should always look at the best interest of our children and their Deen.

We make Dua Allah Taʿālā guides our leaders and makes us the true flag bearers of Islam.

Gog Magog and Dajjal

Q: I am confused, has Dajjal arrived or not? Have Gog Magog arrived or not? Are the doors of Taubāh closed or not? Kindly remove my confusion.

A: The Hadith mentions 10 major signs and many minor signs of the Day of Judgement.

Some of the minor signs are:

1. Consumption of alcohol would prevail
2. Fornication will become widespread.
3. Lying will become the norm of the people.
4. Knowledge will be seized

5. Ignorance will overpower[146]
6. Risings of tall skyscrapers would become a competition.[147]
7. Competition in building Masājid (when there will be no one to populate it with the zikr of Allah).[148]
8. Disrespect towards parents and elders would become common. Etc.[149]

Amongst the major signs, there are 10 of them:
1. The smoke
2. Emergence of Dajjāl
3. A fire which will drive the people from Yemen toward their place of ressuruction.
4. Emergence of Yajooj and Majooj
5. Three massive earthquakes will occur: In the East
6. In the West

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[146] عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: " إِنَّ مِنْ أَشْرَاطِ السَّاعَةِ: أَنْ يُرْفَعَ العِلْمُ وَيَثْبُتَ الجَهْلُ، وَيُشْرَبَ الخَمْرُ، وَيَظْهَرَ الزِّنَا " صحيح البخاري (١/ ٢٧)

[147] قَالَ: فَأَخْبِرْنِي عَنِ السَّاعَةِ، قَالَ: «مَا الْمَسْئُولُ عَنْهَا بِأَعْلَمَ مِنَ السَّائِلِ» قَالَ: فَأَخْبِرْنِي عَنْ أَمَارَتِهَا، قَالَ: «أَنْ تَلِدَ الْأَمَةُ رَبَّتَهَا، وَأَنْ تَرَى الْحُفَاةَ الْعُرَاةَ الْعَالَةَ رِعَاءَ الشَّاءِ يَتَطَاوَلُونَ فِي الْبُنْيَانِ» صحيح مسلم (١/ ٣٧)

[148] عَنْ أَنَسٍ، أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تَقُومُ السَّاعَةُ حَتَّى يَتَبَاهَى النَّاسُ فِي الْمَسَاجِدِ» سنن أبي داود (١/ ١٢٣)

[149] عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا فَعَلَتْ أُمَّتِي خَمْسَ عَشْرَةَ خَصْلَةً حَلَّ بِهَا البَلَاءُ» فَقِيلَ: وَمَا هُنَّ يَا رَسُولَ اللَّهِ؟ قَالَ: «إِذَا كَانَ المَغْنَمُ دُوَلًا، وَالأَمَانَةُ مَغْنَمًا، وَالزَّكَاةُ مَغْرَمًا، وَأَطَاعَ الرَّجُلُ زَوْجَتَهُ، وَعَقَّ أُمَّهُ، وَبَرَّ صَدِيقَهُ، وَجَفَا أَبَاهُ، وَارْتَفَعَتِ الأَصْوَاتُ فِي المَسَاجِدِ، وَكَانَ زَعِيمُ القَوْمِ أَرْذَلَهُمْ، وَأُكْرِمَ الرَّجُلُ مَخَافَةَ شَرِّهِ، وَشُرِبَتِ الخُمُورُ، وَلُبِسَ الحَرِيرُ، وَاتُّخِذَتِ القَيْنَاتُ وَالمَعَازِفُ، وَلَعَنَ آخِرُ هَذِهِ الأُمَّةِ أَوَّلَهَا، فَلْيَرْتَقِبُوا عِنْدَ ذَلِكَ رِيحًا حَمْرَاءَ أَوْ خَسْفًا وَمَسْخًا» سنن الترمذي ت شاكر (٤/ ٤٩٤)

7. In the land of Arabia
8. The emergence of the animal *(Dābbah)*
9. The descending of Isa (Alaihis Salām).
10. The rising of the sun from the West[150]

In every era, due to the fitnā prevalent of that time, the Ulamā of that era felt that the Day of Judgement had drawn near.

Everyone has their own opinion regarding when Dajjāl will emerge. It is not necessary that every opinion is correct. Only Allah Subhānahu Wa Ta'alā possesses the knowledge of the unseen. One thing we know for sure is, Dajjāl will appear before the Day of Judgement.

We are not aware whether Dajjāl has emerged or not. Rather, we advise you to do all the things that can save one from Dajjāl and his fitnā. We advise you that you strictly adhere to the Shari'āh, practice upon the Sunnāhs of Rasullullah Sallallahu Alaihi Wa Sallam, recite the Qurān daily, perform Zikr and recite Surāh Kahf every Friday. The Prophet Sallallahu Alaihi Wa Sallam has mentioned in a Hadith:

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١٥٠ عَنْ حُذَيْفَةَ بْنِ أَسِيدٍ الْغِفَارِيِّ، قَالَ: كُنَّا قُعُودًا نَتَحَدَّثُ فِي ظِلِّ غُرْفَةٍ لِرَسُولِ اللَّهِ صلّى الله عليه [ص:١١٥] وسلم، فَذَكَرْنَا السَّاعَةَ، فَارْتَفَعَتْ أَصْوَاتُنَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: " لَنْ تَكُونَ - أَوْ لَنْ تَقُومَ - السَّاعَةُ حَتَّى يَكُونَ قَبْلَهَا عَشْرُ آيَاتٍ: طُلُوعُ الشَّمْسِ مِنْ مَغْرِبِهَا، وَخُرُوجُ الدَّابَّةِ، وَخُرُوجُ يَأْجُوجَ وَمَأْجُوجَ، وَالدَّجَّالُ، وَعِيسَى ابْنُ مَرْيَمَ، وَالدُّخَانُ، وَثَلَاثَةُ خُسُوفٍ، خَسْفٌ بِالْمَغْرِبِ، وَخَسْفٌ بِالْمَشْرِقِ، وَخَسْفٌ بِجَزِيرَةِ الْعَرَبِ، وَآخِرُ ذَلِكَ تَخْرُجُ نَارٌ مِنَ الْيَمَنِ، مِنْ قَعْرِ عَدَنٍ، تَسُوقُ النَّاسَ إِلَى الْمَحْشَرِ " سنن أبي داود (٤/ ١١٤)

"Whosoever memorizes the first ten āyahs of Surah Kahf, will be saved against the fitnās of Dajjāl"… According to another narration it has been mentioned,…"Whosoever memorizes the last portion of Surah Kahf (will be saved against the fitnās of Dajjāl).
(Sunnan Abi Dawūd 4/117)[151]

Furthermore, the final moments of the acceptance of Duās are at two occations.[152]

1. At the time of death, before the soul reached the throat.
2. Before witnessing the rising of the sun from the West.

Should I desist from this intended marriage?

Q: I converted to Islām over a year ago. During my steps to converting, I was seeing a Muslim boy who helped me out very much. We have been hanging out with each for two years now, but never alone. I met his parents the evening before I converted and I went over to their house at least

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[١٥١] عَنْ حَدِيثِ أَبِي الدَّرْدَاءِ، يَرْوِيهِ عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «مَنْ حَفِظَ عَشْرَ آيَاتٍ مِنْ أَوَّلِ سُورَةِ الْكَهْفِ، عُصِمَ مِنْ فِتْنَةِ الدَّجَّالِ» قَالَ أَبُو دَاوُدَ: وَكَذَا قَالَ هِشَامٌ الدَّسْتُوَائِيُّ، عَنْ قَتَادَةَ، إِلَّا أَنَّهُ قَالَ: «مَنْ حَفِظَ مِنْ خَوَاتِيمِ سُورَةِ الْكَهْفِ» ، وَقَالَ شُعْبَةُ: عَنْ قَتَادَةَ «مِنْ آخِرِ الْكَهْفِ» (سنن أبي داود (٤/ ١١٧)

[١٥٢] عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِنَّ اللَّهَ يَقْبَلُ تَوْبَةَ العَبْدِ مَا لَمْ يُغَرْغِرْ» سنن الترمذي ت شاكر (٥/ ٥٤٧)

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «مَنْ تَابَ قَبْلَ أَنْ تَطْلُعَ الشَّمْسُ مِنْ مَغْرِبِهَا، تَابَ اللهُ عَلَيْهِ» صحيح مسلم (٤/ ٢٠٧٦)

once a week since then. Of course, they were not aware of the relationship I had with their son.

Finally, he told his parents he intended on marrying me. Now his parents don't even talk to me. His father said he does not want him to marry into a family that is not Muslim. His parents are lead to believe that I am unaware of his intentions. I really don't want to come between him and his family but I love him very much. I am so torn about what the best thing to do is so I did Istikhārah. I had three dreams that night that were basically the same: it is our wedding day, and the wedding does not take place because of something silly.
And his parents are not present in any of the dreams except one. So I feel that if I do decide to stay with him and get married, his father will not support it. But his mother is supportive (behind his father's back) by saying she wants him to be happy. She says she wants him to be happy and as long as I am religious and a good person that is all that matters. I feel that if I stay with him, his dad will not support us and this could destroy his family. Should I back off??

A: Alhamdullillāh, we are delighted to hear about your accepting Islām. We ask Allāh Taālā to grant you steadfastness.

Allāh Taālā has created life as a test. At times we are faced with pleasant situations and sometimes we go through difficult conditions. However, if we have the awareness of Allāh Taālā at all times and we firmly believe that Allāh

controls all situations, then going through the apparently narrow roads of life will be easy.

You have stated that the boy's parents are not informed of the relationship he has with you. Concealing such vital information will have a negative effect on your plans for marriage. In marriage issues, it is not safe to play "duck and dive". The boy's parents must have a complete overview of the situation in order to make an informed decision. Therefore we advise you to get the message across to his parents of your relationship with each other. This may be done personally or by contacting an influential personality from his family and ask him/her to clarify the situation to his parents.
Nevertheless, despite your final efforts if the father is stern in his denial, you should back down. This will be in the best interest of both of you. Marriage is a big step in life. It is making another person to be part of you. Your happiness and otherwise depends on the type of person you marry. Do not submit to a big step as marriage without satisfying yourself having made the correct decision.

Shaykhul Hadith Hazrat Maulana Fazlul Rahman Sahib (db) at Darul Ifaa

Shaykh al-Hadith Hadhrat Maulana Fadhl ar-Rahmaan Sahib (Daamat barakatuhum) at the Darul Iftaa discusses Ulama of Deoband-Iftaa- Jamiat-Ikhlaas

Alhamdulillah, the Darul Iftaa was blessed with the visit of Shaykh al-Hadith Hadhrat Maulana Fadhl ar-Rahmaan Sahib (Daamat barakatuhum) on Friday 25th November 2011. Hadhrat was accompanied with other Ulama, most of whom are his students.

Hadhrat Mufti Ebrahim Desai Sahib (Daamat barakaatuhum) requested Hadhrat Shaykh Sahib to offer some advice.

Hadhrat Shaykh Sahib (Daamat barakatuhum) imparted the following precious advices:

Where ever we are and where ever we go, we need to beseech Allah Ta'ala that He makes us a key for opening the doors of virtue and locking the doors of vice (مفتاح للخير ومغلاق للشر). Shaykh al-Arab wal-'Ajam Maulana Abul Hasan Ali an-Nadwi rahimahullah once visited our madrasah in Moa during our student days. He stated,

"I have read countless reports and accounts of history, I have come to the conclusion that whosoever adopts two

features, the world will fall on its knees for him. The two features are:

1) Exceptional capability(نمایا قابلیت)

2) Genuine spirituality(سچي روحانيت)

These two qualities were apparent in all the Prophets of Allah. They had excellence in the contemporary art of their time."

These two qualities were visible in our Ulama of Deoband. They had command over the different sciences and disciplines. They were authorities in syntax, grammar, exegesis (tafseer), hadith and jurisprudence (fiqh). They were academics and sages of their time. Their research was profound and deep. Their works carry substance resulting in millions depending on their works.

Likewise, we need to follow in their footsteps and exert all our energy in acquiring external distinction under the supervision of the experts in the respected sciences. A student of knowledge should not be weak hearted and lacking purpose. He should be ambitious and aspire to transcend the stars.

The wish which should be burning in our hearts is that how can complete Deen come in the life of every human on the surface of this earth. Only when we practice deen totally will we taste true prosperity.

We can safely say our Ulama of Deoband possessed genuine spirituality. They were absorbed in the zikr of Allah Ta'ala,

immersed in the recitation of the Qur'an, devoted to spending the nights on the musalla and living a life of taqwa and piety. Their external appearance was radiant with the sunnah and beautified with humility. They were extremely cautious and not audacious.

The field of Iftaa is necessary yet hazardous and perilous. At times some muftis are ready to issue fatwa merely for a meagre monetary gain. When a person is deficient in genuine spirituality, he measures everything according to materialistic gain. He will give in easily for worldly gain. In the world there are those muftis who issue rulings on weak opinions. Hence, this work of Iftaa is a great responsibility and very delicate. One who traverses this path has to remain independent and autonomous from others. Only then will he proclaim the truth without fearing any reproach. However, when propagating the truth, wisdom and diplomacy is vital. The person should believe that he is being advised for his own interest.

Hadhrat Maulana Qasim Nanotwi rahimahullah would not issue rulings; he would send the questioners to another scholar. He would not even lead a congregation in salaah. He would often say,

"How easy is it to perform salaah behind someone else and how much of a responsibility is it to lead the congregation."

Obviously, not everybody can display this attitude or else the field of Iftaa will cease to exist. Where will people go if everybody evades issuing rulings? We should research and delve deep into the masaa'il keeping the element of

precaution ever present. All the cumbersome work in the field of Iftaa has been executed already by our senior ulama. Only in the contemporary issues will we have to exert and exhaust our resources to reach a ruling on that particular matter. However, it is here one should be reserved and harbour extreme caution.

Our Hadhrat Maulana A'zami rahimahullah was a very great mufti. He was asked primarily in many contemporary issues. When the fatwa against Shias was published in al-Furqaan during the Iranian Revolution, Many people were deceived into believing an Islamic state and Islam had finally come in the horizon. Hadhrat Maulana Manzur Numani rahimahullah penned a book exposing the stark reality of Shias and unmasking the true face of the Iranian Revolution. How can Shism coming to the forefront equate to the coming of Islam? He enumerated the true beliefs of the Shias which produced great shock in the masses. When I read this book I was not startled or surprised. My teachers were well versed regarding Shiasm. Hadhrat Maulana Habeeb al-Rahmaan A'zami and Hadhrat Maulana Abdul Lateef Nu'mani rahimahumallah would discuss various issues upon the completion of a day's lesson. They would disclose to us the reality of the Shias making reference to their very own texts.

My teacher would say, from all those who call themselves Muslims, the worst and the most evil of them is the Shia. When the revolution occurred, people sought guidance and a fatwa with regards to the Shias. The first

Alim who was consulted on this was my teacher, Hadhrat Maulana Habeeb al-Rahmaan rahimahullah. Maulana Manzur Nu'maani was the student of Maulana Habeeb al-Rahmaan rahimahullah. After that, dozens of Muftis issued rulings against the Shias. These fatawa highlighted the beliefs which nullified their Islam. These fatawa expounded on their erroneous and flawed beliefs like the belief of Imamah, the belief that the Quran was distorted, rejecting Sayyiduna Abu Bakr and Sayyiduna Umar radiallahu anhuma as sahabah, differing with the fact of Sayyidah Aisha radiallahu anha's innocence etc.

Once in a meeting of Jamiutul Ulama, Hadhrat Maulana Hussain Ahmed Madani rahimahullah declared that if there is any difference of opinion in our assembly, then the final verdict will be the view of Hadhrat Maulana Habeeb al-Rahmaan Sahib rahimahullah.

One should issue a fatwa only after extensive research and total contentment. Even after the fatwa is passed, one should fear the possibility of erring. If at any time one makes a mistake, then there should be no hesitation at all in revoking one's opinion. Our work and services are based on ikhlaas and sincerity. We do all that we do only for Allah. This will only come when genuine spirituality is attained.

We should always supervise and scrutinise our personal actions. Our deeds must be moulded onto the sunnah. This is also a fundamental feature of the lives of the pious. If our lives are void of sunnah, then even sincerity (ikhlaas) will be of no avail.

These were some of the pearls of wisdom imparted by Hadhrat Shaykh al-Hadith Maulana Fadhl ar-Rahmaan Sahib (Daamat barakatuhum). Allah Ta'ala give us the ability to practice on the words of Hadhrat. Ameen.

Wazeefa for having offspring.

Q: I have a question. I have two daughters and no son, kindly tell me any wazifa for aulade narina (male offspring.)

A: Allah the Almighty states in the Holy Qurān:

لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَنْ يَشَاءُ إِنَاثًا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ أَوْ يُزَوِّجُهُمْ ذُكْرَانًا وَإِنَاثًا
وَيَجْعَلُ مَنْ يَشَاءُ عَقِيمًا إِنَّهُ عَلِيمٌ قَدِيرٌ

"The sovereignty of the Heavens and the Earth belong solely to Allah. He creates what He wills and He grants female offspring to whom He wishes and He grants male offspring to whom He wishes. Or He bestows upon some both male and female and makes barren who He wishes. Verily He (Allah) is All-knowing, Almighty."

(Qur'an 42:49)

We understand from the above quoted verse that Allah alone blesses one with children; male, female or both. You should be eternally grateful to Allah that He has blessed you with two daughters.

There is nothing wrong in desiring male offspring. One may adopt all possible means to have male children and pray to Allah for ones wish to be granted. Even the Prophets of Allah desired to have children and supplicated to Allah.

Hazrat Zakariyyah *alaihis salaam* and Ibrāhīm *alaihis salaam* had reached an age where most people would despair having children. These Prophets knew that Allah controls everything. Allah is the one that gives and takes life. When Allah wishes a child to be born, there is no strength or power in the universe that can prevent the birth from taking place. Similarly, when Allah does not wish for a woman to conceive or give birth, there is no force in the universe that can make this happen. This is the belief that we need to engrave, etch and instil into our hearts.

Allah Taʽālā mentions the following two *duā's* of Hazrat Zakariyyah *alaihis salaam* in the Holy Qurān:

رَبِّ لَا تَذَرْنِي فَرْدًا وَأَنْتَ خَيْرُ الْوَارِثِينَ

(Hazrat Zakariyyah alaihis salaam said) "Oh my Lord, do not leave me alone (childless); when you are the best of inheritors."

(Qur'an 21:89)

رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً إِنَّكَ سَمِيعُ الدُّعَاءِ

(Hazrat Zakariyyah alaihis salaam said) "Oh my Lord, grant me from your bounty pious children, Verily you are the Listener of all prayers."

(Qur'an 3:38)

Allah Taʽālā also mentions two *duā's* of Hazrat Ibrāhīm *alaihis salaam* in the Holy Qurān:

رَبِّ هَبْ لِي مِنَ الصَّالِحِينَ

(Hazrat Ibrāhīm alaihis salaam said) "Oh my Lord, grant me a righteous child"

(Qur'an 37:100)

الْحَمْدُ لِلَّهِ الَّذِي وَهَبَ لِي عَلَى الْكِبَرِ إِسْمَاعِيلَ وَإِسْحَاقَ إِنَّ رَبِّي لَسَمِيعُ الدُّعَاءِ

(Hazrat Ibrāhīm alaihis salaam said) "All praise if for Allah who granted me Ismā ʿīl and Ishāq despite my old age. Verily my Lord is the Hearer of prayers."

(Qur'an 14:39)

Allah Taʿālā accepted the *duā's* of Hazrat Zakariyyah *alaihis salaam* and granted him a son, Yahya *alaihis salaam*. Allah Taʿālā also granted Ibrāhīm *alaihis salaam* Ismāʿīl and Ishāq *alahim as salām.*

Anyone that wishes to have children should adopt the method of the *Ambiyā* (prophets) and make the *duā's* they made. Another practice that you may find fruitful is to abundantly ask Allah Taʿālā for forgiveness.

Allah the Almighty state in the Holy Qurān:

فَقُلْتُ اسْتَغْفِرُوا رَبَّكُمْ إِنَّهُ كَانَ غَفَّارًا يُرْسِلِ السَّمَاءَ عَلَيْكُمْ مِدْرَارًا وَيُمْدِدْكُمْ بِأَمْوَالٍ وَبَنِينَ

(Nūh alaihis salaam said) I told the people "Seek forgiveness from your Lord verily He is most forgiving. He will send forth abundant showers (rain) from the skies and He will provide you with wealth and children..."

(Qur'an 71:10-11)

One should recite the aforementioned duas, add their own *duā's* (ask for a certain gender if they want...) and seek forgiveness abundantly and Inshā-Allah, Allah will grant them pious children.

After making *dua,* we have to submit our desires to the will of Allah. This attitude will bring contentment and satisfaction to our hearts.

The mother of Hazrat Maryam *alaihas salaam* asked Allah Taʽālā for a male child[153] so that she could send him in the path of Allah, but Allah Taʽālā granted her a female. As a female, the *Ummah* of Rasulullah *sallallahu alaihi wasallam* admires this great personality as being the mother of Hazrat Isa *alaihis salaam.* The lesson for us in this is that Allah Taʽālā does whatever Allah knows to be best.

Allah the Almighty says:

عَسَى أَنْ تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَكُمْ وَعَسَى أَنْ تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ لَكُمْ وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ

"It may be that you dislike a thing while it is good for you and you may love a thing while it is bad for you. And Allah knows what is most beneficial for you and whereas you do not."

(Qur'an 2:216)

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١٥٣ حدثنا به ابن حميد قال، حدثنا سلمة قال، حدثني محمد بن إسحاق قال: تزوج زكريا وعمران أختين، فكانت أمّ يحيى عند زكريا، وكانت أم مَريم عند عمرانَ، فهلك عمران وأم مريم حاملٌ بمريم، فهي جنينٌ في بطنها. قال: وكانت، فيما يزعمون، قد أمسك عنها الولد حتى أسنَّت، وكانوا أهل بيت من الله جل ثناؤه بمكان. فبينا هي في ظلّ شجرة نظرت إلى طائر يُطعم فرخًا له، فتحرّكت نفسُها للولد، فدعت الله أن يهبَ لها ولدًا، فحملت بمريم، وهلك عمران. فلما عرفت أن في بطنها جنينًا، جعلته لله نَذيرةً و"النذيرة"، أن تعبِّده لله، فتجعله حبيسًا في الكنيسة، لا ينتفع به بشيء من أمور الدنيا. (تفسير الطبري, سورة.٣, اية. ٣٥, مؤسسة الرسالة)

We are our own enemies!

Q: It is really paining me to see what the enemies of Islam are doing to Muslims. I would like to know how to avenge the muslims?

A: You imply from your query that the root of the problems of the ummah are the enemies of Islam. This is just one dimension of a multi-dimensional problem facing the ummah.

When searching for a solution in a problem, it is vital that the problem is carefully diagnosed. It is only then that a solution can be considered. If the diagnosis is wrong, no amount of solution will be effective.

It is true that we have enemies and they are out to attack us. Islam had enemies right from its inception. For Islam and Muslims to be triumphant we have to be balanced and avoid emotions in reaching conclusions. Why cannot we consider that we are our own enemies and responsible for our own problems?

Today every sin is common in the Ummah. Pornography is widespread in Muslim states, gambling is the past time of today, wine is being consumed like water, interest based transactions is the way we are making our livelihood and the list goes on. Our love for this worldly life has become so intense that to acquire a few Dollars and Pounds, we are ready to sacrifice all values and principles. Greed has filled our veins. Jealousy has saturated our hearts.

Today's predicament is nothing new in the Ummah. The Muslims in Spain were hit with a wave of tribulations. The Muslims of Mesopotamia were hit by the Tartars. Many other assaults have occurred on the Muslim nation. The same reason which triggered these events has triggered the events we see unfolding daily.

If lack of numbers was the reason, we would not be facing problems as we are approximately 1.3 billion in number. If lack of wealth was the cause, then the Middle Eastern countries possess the most oil reserves. The Muslims in Spain and Mesopotamia possessed similar numbers and boasted a booming economy, yet they were tested.

When the Muslims practiced on every letter of the Qurʽān and implemented the lifestyle of the Prophet salallahu alaihi wasallam, the world humbled herself in front of them. The kings surrendered to the leaders of the Muslims. The civilisations opposing them ceased to exist.

The greatest needed of the time is to revive the hearts. The love of Allah and the life hereafter have to be more beloved to us than the whole world and what it contains.

If we want once again the flag of Islam to rise high, we have to undergo spiritual reformation.

All negative behaviour displayed by any human is due to the corruption of the heart. All problems in the society are primarily based on the lack of self reformation. Fights occur between people due to people being arrogant and proud. Theft and burglary is committed due to intense

greed. Oppression is committed due to self conceit. Weakness in faith and a lack of resolve is induced by love for this world. Thus, it becomes quite apparent that all forms of oppression and injustice is predominantly due to a person bearing negative attributes.

All actions transpire after the thought of it crosses the mind and the heart settles on executing it. If a person has subdued his base desires, his heart which is ever conscious of Almighty Allah will at once inhibit any thought of evil. If the base desires have been left without a leash, then a person will pounce upon every act his heart desires, resulting it turmoil.

The Prophet (salallahu alayhi wasallam) said,

"Verily, there is in the body a small piece of flesh; if it is good the whole body is good and if it is corrupted the whole body is corrupted; lo! It is the heart.[154]

To alter or rectify anything, one has to consult with a specialist in that field. For car breakdowns there are mechanics. For computers there are technicians. To get a car moving again, it has to be repaired by a mechanic. To overcome a virus or malfunction, the computer has to be repaired by a technician. Likewise, to rectify the ills of the heart, we have to consult and seek the guidance of scholars trained in the field of *Tazkiyah* (spiritual purification).

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[١٥٤] وَإِنَّ فِي الجَسَدِ مُضْغَةً: إِذَا صَلَحَتْ صَلَحَ الجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الجَسَدُ كُلُّهُ، أَلاَ وَهِيَ القَلْبُ " (صحيح البخاري رقم الحديث ٥٢)

If a constant effort for spiritual rectification is made on a micro-level, the effects of this will be evident on a macro-level. Every person must engage in pro-actively in rectifying himself in order to save himself and others of all forms of oppression.

Allah Ta'ālā grant us victory and alleviate the problems we are facing. Amīn.

Use of botox for beauty purpose as well as its medicinal use

Q: I am a general practioner in UK . My question is it permissible to practice give Botox injections, facial peels, dermabrasions. Mostly done for patients to look younger and good looks. I am mainly thinking of doing it for earning extra money {being honest} I would like to know If its allowed or not.

What would be the answer if the need is for medicational use?

A: Botox (Botulinum Toxin Type A) is by nature a poisonous toxin. It has been approved by FDA in US for specific medicinal use, however it has gained more popularity in the cosmetic surgeries. [155]

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[155] "FDA has approved Biologic License Applications (BLAs) for two botulinum toxin type A products (Botox/Botox Cosmetic and Dysport) for clinical use." Re: Docket No. FDA-2008-P-0061

Botox serum uses enzymes from pig's milk in its initial stage which is later on purified through industrial process. [156] Although the serum may be clinically categorized void of these enzymes in its final product form, it will still be considered an **impure** substance according to Shariah.

Moreover, Botox has been clinically classified as a lethal toxin which if consumed in larger quantities can have devastating effects. Even in the lower medicinal usage, it is not free from some side effects. In some cases it may lead to problems in swallowing, speaking, or breathing, all-over muscle weakness, double vision, blurred vision and drooping eyelids, hoarseness or change or loss of voice (dysphonia), trouble saying words clearly (dysarthria), loss of bladder control, trouble breathing.[157] While these may be isolated conditions, they are sufficient enough for the FDA (Food and Drug Administration) to issue caution against Botox usage.[158]

It was perhaps this vital information which pushed many Ulama, locally in South Africa, as well as internationally (Malaysia) to rule against Botox. [159]

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[156] Muslim Council bans Botox, January 15 2008 accessed Nov. 23 2011.
[157] http://www.botox.com/ accessed Nov. 23, 2011
[158] FDA Notifies Public of Adverse Reactions Linked to Botox Use accessed Nov. 23, 2011
[159] Muslim Council bans Botox, January 15 2008 accessed Nov. 23 2011. ; Malaysian Muslims told not to use Botox, July 18 2006 accessed Nov. 30 2011;

While many people have used Botox for beauty treatments it has been equally popular in the medical field. Since Botox is essentially a toxin with the ability to weaken or dampen the response in muscles, it has been targeted by many doctors as a temporary relief medication for illnesses due to spasmodic muscles. Some of the practical medical uses for Botox in practice are treatment for inflammation in specific areas, controlling bleeding after intramuscular injection, excessive weakness or wasting in the muscle, swallowing difficulties (dysphagia) or liquid accidentally going into the lungs (aspiration), chronic breathing problems, Diseases or conditions affecting the nervous system, seizures like epilepsy, closed angle glaucoma(eye disease) etc.[160]

The medicinal usage is still not void of the potential harmful side effects that could emerge from using this serum, hence, Shariah affords a balanced approach towards its usage. The rules of Shariah are more relaxed in the case of medical need and necessity. However such relaxation is also governed closely by rules. In principle:

Necessity renders the restrictions permissible[161]

And

Necessity warrants (permissibility of the restricted) to the extent of (one's) necessity.[162]

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[160] http://www.netdoctor.co.uk/medicines/100000363.html accessed Dec. 01 2011.

[١٦١] ففي الأشباه والنظائر لابن نجيم (ص: ٧٣) الضَّرُورَاتُ تُبِيحُ الْمَحْظُورَاتِ

Hence, the use of an impure Botox serum will become permissible for medicinal use **<u>only if</u>**,

i. The experts of the field opine the need for such a medicine[163]
ii. There is no halal alternative available

As a doctor one will be responsible in providing a permissible or impermissible service to the consumer. If there is a suitable alternative for skin care treatments then that avenue should be adopted.

It is **<u>not</u>** permissible to use an impure substance to beautify one self. Since Botox is impure because of the use enzymes from pig's milk it will be impermissible to use it for purely beatification purposes.

<u>Facial Peels and dermabrasions or other cosmetic procedures.</u>

Facial peels and dermabrasions are skincare procedures which use various techniques like exfoliation of upper layers of skin to rejuvenate a healthier and smoother skin. These procedures are permissible provided that,

i. The creams or lotions used do not contain impure or impermissible substance;

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[١٦٢] ففى المرجع السابق : مَا أُبِيحَ لِلضَّرُورَةِ يُقَدَّرُ بِقَدْرِهَ

[١٦٣] ففى الدر المختار وحاشية ابن عابدين (رد المحتار) (١/ ٢١٠) (قَوْلُهُ اُخْتُلِفَ فِي التَّدَاوِي بِالْمُحَرَّمِ) فَفِي النِّهَايَةِ عَنْ الذَّخِيرَةِ يَجُوزُ إنْ عَلِمَ فِيهِ شِفَاءً وَلَمْ يَعْلَمْ دَوَاءً آخَرَ

ii. The procedure does not aim at changing the physical features.[164]
iii. The procedure is not harmful to one's health.

At the same time, we also caution that venturing into the skincare procedures should not compromise the general Sharʿī work ethos (i.e. unnecessary gender interaction etc).

Istikhara for seeking khulaa

Q: Is it alright to do istikhara for a case where a woman wants to know whether she should take khulaa'. The husband is refusing to give talaaq and after marriage of 10 years she is saying she doesn't love the husband anymore.?

A: It is in the best interest of a couple that they try to maintain their marriage as far as possible. Only after exhausting all other avenues of reconciliation should a spouse consider the option of separation or divorce. Separation between spouses should be a last resort. This is due to the severity of divorce being mentioned by Nabi *salallāhu ʿalayhi wasallam.*

Nabi *salallāhu ʿalayhi wasallam* mentions,

> *"The most despised permissible thing to Allah is Divorce."*
>
> Ibn Majah hadith no.2018 [165]

[164] The prohibition excludes corrective procedures to rectify abnormalities. More information on this can be read in Fatwa #19172

In another Hadith Nabi *salallāhu ʿalayhi wasallam* said,

"Verily Satan places his chair on water. Thereafter he deputes his armies the lowest ranking amongst them is the greatest in causing mischief. One of them comes and says "I did such and such." So Satan replies, "You have not done anything." Thereafter another comes and says "I did not leave him until I caused him to separate from his wife." So Satan brings him closer and says "Indeed you are great."

Muslim 4/2167[166]

In view of this Hadith and others carrying a similar purport, the Ulama mention seeking divorce without a valid*Shari'* excuse is a great sin. This is whether divorce is given from the husband or whether it is sought from the wife.

In another Hadith Nabi *salallāhu ʿalayhi wasallam* warns those women who seek divorce without a justifiable cause.

"Any woman who seeks divorce unnecessarily, then even the scent of paradise is unlawful for her."

Tirmizi 3/485[167]

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[١٦٥] أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ الطلاقُ (ابن ماجه رقم الحديث ٢٠١٨)

[١٦٦] إِنَّ إِبْلِيسَ يَضَعُ عَرْشَهُ عَلَى الْمَاءِ، ثُمَّ يَبْعَثُ سَرَايَاهُ، فَأَدْنَاهُمْ مِنْهُ مَنْزِلَةً أَعْظَمُهُمْ فِتْنَةً، يَجِيءُ أَحَدُهُمْ فَيَقُولُ: فَعَلْتُ كَذَا وَكَذَا، فَيَقُولُ: مَا صَنَعْتَ شَيْئًا، قَالَ ثُمَّ يَجِيءُ أَحَدُهُمْ فَيَقُولُ: مَا تَرَكْتُهُ حَتَّى فَرَّقْتُ بَيْنَهُ وَبَيْنَ امْرَأَتِهِ، قَالَ: فَيُدْنِيهِ مِنْهُ وَيَقُولُ: نِعْمَ أَنْتَ

The woman in question has been married for ten years. Her husband in the past has refused to give her Talaaq. It seems as though the husband wishes to maintain the marriage. We suggest this woman first attempt to resolve the issues she has with her husband. This should be done by approaching appropriate individuals who would be able to objectively assist both spouses.

If after having exhausted efforts in reconciliation, the wife finds no solution to her marital problems, she should consult the seniors of her family as well as make *Istikhara* before taking any step.

May Allah Taʽālā guide the woman in reference. Aameen.

Travelling to Dead Sea

Q: I have a question relating to my upcoming visit to Jordan. One of the areas which is a tourist attraction in Jordan is the city of Aqaba and the nearby Dead Sea. I have heard that it is impermissible to visit the Dead Sea or even to use any product manufactured from its water or salt on account of its historical association with homosexuality and the destruction of its occupants (I think it was the people of Lut Allai Salaam?)

A: The Dead Sea lies between Bayt al-Maqdis and the

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[١٦٧] أَيُّمَا امْرَأَةٍ سَأَلَتْ زَوْجَهَا طَلَاقًا فِي غَيْرِ مَا بَأْسٍ فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ

Jordan River. This is the area in which Allah's punishment descended on the nation of Lūt Alayhisalām. [168]

Allāh Ta'ālā says in the Qurān referring to those dwellings destroyed by Him:

"Say, "Go about the earth, and see what was the fate of those who belied (the messengers)"

(Qurān 6:11) [169]

In the above quoted verse, Allāh Ta'ālā advises mankind to roam the earth and contemplate over the destruction of past nations. There was a time when powerful and wealthy

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[168] Ma'ariful Quran, Vol. 3, page 648: Maktaba-e-Darul-'Uloom

[169] فلو قلنا: إن المراد من هذا كله تذكير الناس بمصارع الظالمين والطغاة، وبإنجاء الله للمؤمنين؛ فحينئذٍ يوجَّه سؤال ويُطرح: هل لنا حينئذٍ أن نزور مصارع القوم الظالمين بقصد الاعتبار والاتعاظ؟ يعني: إذا علمنا مثلاً أن قوماً ما أهلكهم الله، فهل لنا أن نزورهم؟ ومن ثم تأتي مسألة زيارة الأهرامات وغيرها من آثار أهل الظلم والكفر والفراعنة، هل تُشرع الزيارة للاتعاظ والاعتبار أم أنها من أصلها لا معنى لها؟ القائل بالجواز يستدل ويبني قوله على أمور، منها: قوله تعالى: {قُلْ سِيرُوا فِي الأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِنْ قَبْلُ} [الروم:٤٢] ، وكما قال سبحانه: {فَالْيَوْمَ نُنَجِّيكَ بِبَدَنِكَ لِتَكُونَ لِمَنْ خَلْفَكَ آيَةً} [يونس:٩٢] ، {وَلَقَدْ تَرَكْنَاهَا آيَةً} [القمر:١٥] إلى غير ذلك من الآيات التي فيها الأمر بالسير في الأرض للاعتبار والادكار.

ولقائل آخر أن يمنع مستدلاً بحديث النبي صلى الله عليه وسلم الذي قال فيه لأصحابه لما مر بديار ثمود: (لا تدخلوا على هؤلاء المعذبين إلا أن تكونوا باكين، فإن لم تكونوا باكين فلا تدخلوا عليهم أن يصيبكم مثل ما أصابهم) ، فهذا الحديث يمنع من الدخول عليهم بقصد النظر، إنما فقط يجوز الدخول عليهم مع الحالة المصاحبة لك من الخوف والبكاء أو التباكي، وللاتعاظ والاعتبار، فيقال: إن الأصل هو المنع، إلا إذا كنت باكياً كما أشار إليه حديث رسول الله صلوات الله وسلامه عليه.

فهذا وجهٌ آخر أيضاً وهو قويٌ، والمسألة لا تخلو من الأخذ والرد، لكن الذي يذهب فقط للإعجاب بحضارة الكفار الفراعنة، ثم يرجع معجباً بهم، ومتغنياً بتراثهم، فهذا يُخشى عليه أن يلحقه -والعياذ بالله- شعبة من النفاق، أو شعبة من محبة الكفر والكافرين، والله سبحانه وتعالى أعلم

tribes were walking haughtily and boastfully on this very surface. Despite enjoying the favors of Allāh, they denied His Majesty and persisted in His disobedience. When they did not desist from their wrong, Allāh Ta'ālā released upon them His chastisement by obliterating their very existence.

However, there are certain narrations in Hadīth that indicate towards the impermissibility of travelling to such places. In the ninth year after the migration to Medinah, Nabi Sallallāhu Alaihi Wa Sallam along with his companions underwent a journey to Tabūk. On the way, they passed by the houses of Thamūd, a nation destroyed by Allāh Ta'ālā. The companions started to extract water from the wells of Thamūd and kneaded their bread with the water. Furthermore they filled their utensils with it. When Nabī Sallallāhu Alaihi Wa Sallam came to know, he ordered them to spill the water and feed the kneaded bread to the camels. (Musnad Ahmed, Hadīth No. 5984: Muassissah Ar-Risālah) [170]

In another narration Nabī Sallallāhu Alaihi Wa Sallam stated:

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[١٧٠] - حَدَّثَنَا عَبْدُ الصَّمَدِ، حَدَّثَنَا صَخْرٌ يَعْنِي ابْنَ جُوَيْرِيَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: نَزَلَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بِالنَّاسِ عَامَ تَبُوكَ نَزَلَ بِهِمُ الْحِجْرَ عِنْدَ بُيُوتِ ثَمُودَ، فَاسْتَسْقَى النَّاسُ مِنَ الْآبَارِ الَّتِي كَانَ يَشْرَبُ مِنْهَا ثَمُودُ، فَعَجَنُوا مِنْهَا، وَنَصَبُوا الْقُدُورَ بِاللَّحْمِ فَأَمَرَهُمْ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَأَهَرَاقُوا الْقُدُورَ، وَعَلَفُوا الْعَجِينَ الْإِبِلَ، ثُمَّ ارْتَحَلَ بِهِمْ حَتَّى نَزَلَ بِهِمْ عَلَى الْبِئْرِ الَّتِي كَانَتْ تَشْرَبُ مِنْهَا [ص:١٩٢] النَّاقَةُ، وَنَهَاهُمْ أَنْ يَدْخُلُوا عَلَى الْقَوْمِ الَّذِينَ عُذِّبُوا قَالَ: «إِنِّي أَخْشَى أَنْ يُصِيبَكُمْ مِثْلُ مَا أَصَابَهُمْ، فَلَا تَدْخُلُوا عَلَيْهِمْ» (مسند احمد, رقم الحديث ٥٩٨٤: مؤسسة الرسالة)

"Do not enter into the area of destruction unless you enter weeping. If you do not enter while crying, do not enter lest you may be afflicted as they were afflicted."
(Sahīh Al-Bukhārī, Hadīth No. 44: Dār Tauq An-Najāh) [171]

Hence, in view of the above quotations, the Ulemā (scholars) have permitted going to such places to take heed and advice. The heart must be filled with fear and awe. However, it is not permissible to visit these areas for entertainment and amusement. [172] [173] [174] Unfortunately, today the Dead Sea has become a great tourist attraction where immodesty and sin is the order of the day, making it

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[١٧١] حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ، قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لاَ تَدْخُلُوا عَلَى هَؤُلاَءِ المُعَذَّبِينَ إِلَّا أَنْ تَكُونُوا بَاكِينَ، فَإِنْ لَمْ تَكُونُوا بَاكِينَ فَلاَ تَدْخُلُوا عَلَيْهِمْ، لاَ يُصِيبُكُمْ مَا أَصَابَهُمْ» (صحيح البخاري, رقم الحديث ٤٣٣: دار طوق النجاة)

[١٧٢] (إِلاَّ أَن تَكُونُوا بَاكِينَ) فأباح الدُّخُول فِيهِ على وَجه الْبكاء وَالِاعْتِبَار(عمدة القاري, ج ٤, ص ١٩٠: دار إحياء التراث العربي – بيروت)

[١٧٣] قال النبي صلى الله عليه وسلم: (لا تدخلوا عليهم؛ لا يصيبكم ما أصابهم) أي: إذا دخلتم فادخلوا وأنتم تعرفون نعمة الله عليكم، وتخافون من بطش الله سبحانه، وإذا لم يكن هذا حالكم فلا تدخلوا حتى لا يصيبكم مثل ما أصاب هؤلاء.(شرح رياض الصالحين للشيخ الطبيب أحمد حطيبة, باب البكاء والخوف عند المرور بقبور الظالمين: دروس صوتية قام بتفريغها موقع الشبكة الإسلامية) (سلسلة التفسير لمصطفى العدوي, ج ٤٣, ص ٤: دروس صوتية قام بتفريغها موقع الشبكة الإسلامية)

[١٧٤] هذا معنى الحديث وليس المراد أن يصيبكم العذاب والزجر الحسي فقد يراد به العذاب والزجر المعنوي وهو أن يقسو قلب الإنسان فيكذب بالخبر ويتولى عن الأمر(شرح حديث جابر بن عبد الله رضي الله عنهما في صفة حجة النبي صلى الله عليه وسلم, ج ١, ص ٧٣: دار المحدث للنشر والتوزيع، الرياض)

difficult to maintain a good intention.[175] Therefore it is not advisable to visit the Dead Sea.

Also, it is disliked to utilize the products manufactured from the Dead Sea's water or sand. [176] [177]

Your holidays? Where?

Allah Taʿāla has blessed us with many bounties and blessings. Allah says,

وَإِنْ تَعُدُّوا نِعْمَةَ اللَّهِ لَا تُحْصُوهَا

And if you (try to) count the blessings of Allah,
You shall never be able to do so...

(Qur'ān 16:18)

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175 http://www.yourway.co.il/israel_attractions.html

١٧٦ يَنْبَغِي أَنْ يُزَادَ فِي الْمَنْدُوبَاتِ أَنْ لَا يَتَطَهَّرَ مِنْ مَاءٍ أَوْ تُرَابٍ مِنْ أَرْضٍ مَغْصُوبٍ عَلَيْهَا كَآبَارِ ثَمُودَ، فَقَدْ نَصَّ الشَّافِعِيَّةُ عَلَى كَرَاهَةِ التَّطْهِيرِ مِنْهَا، بَلْ نَصَّ الْحَنَابِلَةُ عَلَى الْمَنْعِ مِنْهُ، وَظَاهِرُهُ أَنَّهُ لَا يَصِحُّ عِنْدَهُمْ، وَمُرَاعَاةُ الْخِلَافِ عِنْدَنَا مَطْلُوبَةٌ، وَكَذَا يُقَالُ فِي التَّطْهِيرِ بِفَضْلِ مَاءِ الْمَرْأَةِ كَمَا يَأْتِي قَرِيبًا فِي الْمَنْهِيَّاتِ، وَاَللَّهُ أَعْلَمُ.(رد المحتار, ج ١, ص ١٣١: سعيد)

١٧٧ يَنْبَغِي كَرَاهَةُ التَّطْهِيرِ أَيْضًا أَخْذًا مِمَّا ذَكَرْنَا وَإِنْ لَمْ أَرَهُ لِأَحَدٍ مِنْ أَئِمَّتِنَا بِمَاءٍ أَوْ تُرَابٍ مِنْ كُلِّ أَرْضٍ غُضِبَ عَلَيْهَا إلَّا بِئْرَ النَّاقَةِ بِأَرْضِ ثَمُودَ، فَقَدْ صَرَّحَ الشَّافِعِيَّةُ بِكَرَاهَتِهِ وَلَا يُبَاحُ عِنْدَ أَحْمَدَ. قَالَ فِي شَرْحِ الْمُنْتَهَى الْحَنْبَلِيِّ: لِحَدِيثِ ابْنِ عُمَرَ «إنَّ النَّاسَ نَزَلُوا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْحِجْرِ أَرْضِ ثَمُودَ فَاسْتَقَوْا مِنْ آبَارِهَا وَعَجَنُوا بِهِ الْعَجِينَ، فَأَمَرَهُمْ الرَّسُولُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُهْرِيقُوا مَا اسْتَقَوْا مِنْ آبَارِهَا وَيَعْلِفُوا الْإِبِلَ الْعَجِينَ، وَأَمَرَهُمْ أَنْ يَسْتَقُوا مِنْ الْبِئْرِ الَّتِي كَانَتْ تَرِدُهَا النَّاقَةُ» حَدِيثٌ مُتَّفَقٌ عَلَيْهِ. قَالَ: وَظَاهِرُهُ مَنْعُ الطَّهَارَةِ بِهِ وَبِئْرُ النَّاقَةِ هِيَ الْبِئْرُ الْكَبِيرَةُ الَّتِي يَرِدُهَا الْحُجَّاجُ فِي هَذِهِ الْأَزْمِنَةِ اهـ (قَوْلُهُ: وَالِامْتِخَاطُ) مَعْطُوفٌ عَلَى إلْقَاءٍ، وَقَوْلُهُ: فِي الْمَاءِ مُتَعَلِّقٌ بِأَحَدِهِمَا عَلَى التَّنَازُعِ (رد المحتار, ج ١, ص ١٣٣: سعيد)

The different blessings of Allah which have been given to us through the sheer mercy of Allah also make us accountable for how we use these blessings.

One of the blessings of Allah is wealth and money. Just as we will be responsible for using our eyes, ears, mouth, hands and every other blessing of Allah in the right avenue, so too are we responsible for using our wealth in the right avenue. Rasulullah salallāhu 'alayhi wasallam mentioned that when one will stand before Allah Ta'ala on the day of judgement, one will be asked,

وَفِيمَ أَنْفَقَهُ

Where did you spend your wealth?

(Sunan Tirmidhi #2416)

It is important for us as muslims to consider how and where we spend our money. If a parent comes to know that the child has misused his pocket money in going to a harām place, for example a casino where he is at risk of a host of evils, when his father learns about that, he surely will get angry. He will never give his child pocket money in future as he knows the dangers of doing so. If the child convinces the father that there is halāl food in the casino, the father is not stupid to accept that justification of the child. Halāl food in a casino does not make all other harām activities halāl. The father will make sure that the child does not make such a mistake again.

Similarly if we will misuse a bounty in avenues which are

detrimental to us then how can we expect Allah Taʿāla to bless us barakah in our wealth, our lives and our families.

In recent times it is becoming more and more common to seek out halāl alternatives for family outings and vacations. While the motive is noble and effort is genuine, it is important not to compromise our wholesome Islamic values in doing so. Islam does not prohibit us from taking some time out with our families for vacation, but we need to make sure that these vacations are void of all such evils that could jeopardize one's spirituality. We know beyond doubt that our families will absorb the ill-effects of the environment that will be detrimental to ones Imān and have a long lasting devastating effect. If we will take our family to a casino, pub, nightclub etc. then how can we expect any sense of Imān to flourish in us?

In this trend of seeking halāl resorts and vacations, some muslims have also taken up cruise specials voyaging the seas in cruise liners. Such cruises present many challenges to one's Imān. It is almost impossible to remain unaffected by the barrage of evils and immoralities in such cruises, from casinos to nudity; intermingling to dancing; alcohol to music, the evils beyond that are too many. This is tantamount to putting butter into a hot pan and expecting it not to melt. Arrangements for halāl food in places of harām does not justify harām. No proper mu'min can remain in such an environment and not have his imān jolt him to separate oneself and one's family from such cruises. This is also according to people who already experienced such cruises and made tawba.

As an alternative, consider visiting the glorious sites of Islam. Make a voyage to Harāmayn Sharīfayn and reap the rewards of Umrah as well as visiting the blessed and spiritually uplifting sight of Kaʽba. Give salutations to Nabī salallahu ʽalayhi wasallam in person at his Rawdha. Walk the roads and allies traversed by our Nabī salallahu ʽalayhi wasallam himself. See the mount of Uhud, the land of Badr and the cave of Hira. Roam the valley of Tā'if where our beloved salallāhu 'alayhi wasallam shed his blood for us. One can go further beyond to seek Al Aqsa and the dome of the rock and boost one's Imān.

There are many other venues to be explored which can be a holiday with one's family as well as educational and motivational to one's spirituality. Let us not put ourselves in a position where we have to answer for the misuse of blessings of Allah in avenues which are harmful to our lives in this world as well as hereafter. While doing so let us also keep the wellbeing of our dear families in sight and save them from any environment which may harm them. Allah has ordained this upon every guardian of the family:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

O you who believe! Save yourselves and your families from fire where the fuel shall be people and stones, over which strong and severe angels are set guard, who do not disobey Allah in His commandments, rather do as they are commanded.

(Qur'ān 66:6)

Shari’ah compliant lease agreement

Q: I request Mufti Saheb if possible to send a Shariʽa compliant lease agreement and an Islamic Employment contract to me. If this is not possible could Mufti Saheb give me some guidelines regarding drawing up these two contracts?

A: *Al-Ijarah* (hiring) contract has a number of terms and conditions in addition to the common terms and conditions that apply to other contracts. Hereunder are the basic terms and condition of *Ijarah*:

1. Leasing is a contract whereby the owner of an item transfers its usufruct to another person for an agreed period of time, at an agreed amount.[178]
2. A very important point is that everything must be specified and clear. There must be no ambiguity in the contract which may lead to a misunderstanding in future.
3. The leased item must have a valuable use. Therefore, things having no usufruct at all cannot be leased.[179]
4. It is necessary for a valid contract of lease that **leased property remains in the ownership of the lessor**, and only its usufruct is transferred to the lessee. Thus, anything which cannot be used without consuming cannot be leased out. Therefore, the lease cannot be

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[١٧٨] ومنها أن يكون المعقود عليه وهو المنفعة معلوما علما يمنع المنازعة فإن كان مجهولا جهالة مفضية إلى المنازعة يمنع صحة العقد وإلا فلا .(الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

[١٧٩] ومنها أن تكون المنفعة مقصودة معتادا استيفاؤها بعقد الإجارة ولا يجري بها التعامل بين الناس فلا يجوز استئجار الأشجار لتجفيف الثياب عليها (الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

effected in respect of money, eatables, fuel and ammunition etc. because their use is not possible unless they are consumed. If anything of this nature is leased out, it will be deemed to be a loan and the rules concerning the transaction of loan shall accordingly apply. Any rent charged on this invalid lease shall be an interest charged on loan[180].

5. Generally, in Fiqh the Fuqahaa discuss the *Ahliyyah* (qualification) to carry out any particular act and generally , there are four qualifications: a) Muslim, b) Free, c) Sane, d) Adult

   In *Ijarah*, the only condition of qualification is to be sane. That means an insane person cannot be an employer or a employee/worker. Being a Muslim is not necessary. The employer or the employee/worker or one of the two may be a non-Muslim. To be a free person is also not necessary. A slave who is granted permission from his master may be a employer or employee/worker. To be an adult is also not necessary. A minor who has reached an understandable age may be an employer or employee/worker on a issue that is of benefit to him/her, if there is a possibility of a loss, for example, in buying, selling, hiring, etc. then the minor requires the consent of his/her guardian to affect such a deal.[181]

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[١٨٠] ولا تجوز إجارة الدراهم والدنانير ولا تبرهما وكذا تبر النحاس والرصاص ولا استئجار المكيلات والموزونات لأنه لا يمكن الانتفاع بالعين إلا بعد استهلاك أعيانها (الفتاوى الهندية -ج ٤ – ص ٤٥٣ – مكتبه رشيديه)

[١٨١] أما شرائط الانعقاد فمنها العقل حتى لا تنعقد الإجارة من المجنون والصبي الذي لا يعقل ، وأما البلوغ فليس من شرائط الانعقاد ولا من شرائط النفاذ عندنا حتى إن الصبي العاقل لو آجر ماله أو نفسه فإن

Lease agreement

1. The hired property must be in a useable condition (*i.e.*, the lessee should be able to use the property for its intended purpose).[182]
2. The duration of the hiring should be mentioned clearly at the time of the contract.[183]
3. The rental amount should be mentionedin the contract.[184]
4. Rental can be fixed at different amounts for different phases during the lease period.

EXAMPLE 1:

A leases his house to B for a total period of 5 years. The rent of the first year is fixed R2000 per month, and the

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كان مأذونا تنفذ ، وإن كان محجورا تقف على إجازة الولي عندنا ، وكذا لو آجر الصبي المحجور نفسه وسلم وعمل وسلم من العمل يستحق الأجر فيكون الأجر له ، وكذا حرية العاقد ليست بشرط لانعقاد الإجارة ولا لنفاذها عندنا فينفذ عقد المملوك إن كان مأذونا ويقف على إجازة المولى إن كان محجورا، وإسلامه ليس بشرط أصلا فتجوز الإجارة والاستئجار من المسلم والذمي والحربي والمستأمن ، وأما خلو العاقد عن الردة إذا كان ذكرا فشرط في قول أبي حنيفة ، وعندهما ليس بشرط .(الفتاوى الهندية - ج ٤ – ص ٤١٠ – مكتبه رشيديه)

[١٨٢] ومنها أن لا يكون بالمستأجر عيب في وقت العقد ووقت القبض يخل بالانتفاع به فإن كان لم يلزم العقد ومنها سلامة المستأجر عن حدوث عيب به يخل بالانتفاع فإن حدث به عيب يخل بالانتفاع به لم يبق العقد لازما (الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

[١٨٣] صح العقد على مدة معلومة أي مدة كانت قصرت المدة كاليوم ونحوه أو طالت كالسنين ، كذا في المضمرات (الفتاوى الهندية – ج ٤ – ص ٤١٥ – مكتبه رشيديه)

[١٨٤] ومنها أن تكون الأجرة معلومة (الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

rent of every subsequent year shall be 10% more than the previous one. This lease is VALID.

EXAMPLE 2:

A now puts a condition in the agreement that the rent of R2000 per month is fixed for the first year only. The rent for the subsequent years shall be fixed each year at the opinion of the lessor. This lease is VOID, because it is uncertain[185].

5. Lease of a jointly owned property is permitted and rentals shall be distributed between all the joint owners according to the proportion of their respective shares in the property.[186]
6. The lessee is not permitted to use the subject (property,items,etc) in a manner contrary to what is permitted by the contract. Specifically, the lessee is not allowed to inflict any harm on the subject (property,items,etc) of the contract.[187]

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[١٨٥] لا بأس باستئجار الأرض إلى طويل المدة وقصيرها بعد أن تكون معلومة كما إذا استأجرها عشر سنين أو أكثر هذا إذا كانت مملوكة (الفتاوى الهندية -ج ٤ – ص ٤٣٩ – مكتبه رشيديه)

[١٨٦] ولو آجره من رجلين يجوز وكل واحد من المستأجرين يملك منفعة النصف شائعا (الفتاوى الهندية - ج ٤ – ص ٤٤٨ – مكتبه رشيديه)

[١٨٧] وَيَجُوزُ اسْتِئْجَارُ الدَّوَابِّ لِلرُّكُوبِ ، وَالْحَمْلِفَإِنْ أَطْلَقَ الرُّكُوبَ جَازَ لَهُ أَنْ يُرْكِبَهَا مَنْ شَاءَوَكَذَا إذَا اسْتَأْجَرَ ثَوْبًا لِلُّبْسِ وَأَطْلَقَ ، فَإِنْ قَالَ : عَلَى أَنْ يَرْكَبَهَا فُلَانٌ ، أَوْ يَلْبَسَ الثَّوْبَ فُلَانٌ فَأَرْكَبَهَا غَيْرَهُ ، أَوْ أَلْبَسَ الثَّوْبَ غَيْرَهُ كَانَ ضَامِنًا إنْ عَطِبَتْ الدَّابَّةُ ، أَوْ تَلِفَ الثَّوْبُ ، وَكَذَلِكَ كُلُّ مَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَأَمَّا الْعَقَارُ وَمَا لَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَإِذَا شَرَطَ فِيهِ سَاكِنًا فَلَهُ أَنْ يُسْكِنَ غَيْرَهُ ، فَإِنْ سَمَّى قَدْرًا ، أَوْ نَوْعًا يَحْمِلُهُ عَلَى الدَّابَّةِ مِثْلُ أَنْ يَقُولَ خَمْسَةُ أَقْفِزَةٍ حِنْطَةً فَلَهُ أَنْ يَحْمِلَ مَا هُوَ مِثْلُ الْحِنْطَةِ فِي الضَّرَرِ أَوْ أَقَلُّ كَالشَّعِيرِ وَالسِّمْسِمِ
مختصر القدوري – ص ٣٧٥ – ادارة القران و العلوم الاسلامية

7. The lessee is liable to compensate the lessor for every harm to the leased asset caused by any misuse or negligence on the part of the lessee.[188]
8. The leased asset shall remain in the risk of the lessor throughout the lease period in the sense that any harm or loss caused by the factors beyond the control of the lessee shall be borne by the lessor.[189]
9. The lessor cannot charge an additional amount in case the lessee delays payment of the rent.[190]
10. The lease period shall commence from the date on which the leased asset has been delivered to the lessee, no matter whether the lessee has started using it or not.[191]

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[188] (و لا يضمن ما هلك في يده او بعمله) كتخريق الثوب من دقه الا اذا تعمد الفساد فيضمن كالمودع (فتاوى الشامى – ج ٦ – ص ٧٠ – ٧١ – ايج ايم سعيد)

[189] (و لا يضمن ما هلك في يده او بعمله) كتخريق الثوب من دقه الا اذا تعمد الفساد فيضمن كالمودع (فتاوى الشامى – ج ٦ – ص ٧٠ – ٧١ – ايج ايم سعيد)

(قَوْلُهُ وَلَا يَضْمَنُ إلَخْ) اعْلَمْ أَنَّ الْهَلَاكَ إمَّا بِفِعْلِ الْأَجِيرِ أَوْ لَا ، وَالْأَوَّلُ إمَّا بِالتَّعَدِّي أَوْ لَا .وَالثَّانِي إمَّا أَنْ يُمْكِنَ الِاحْتِرَازُ عَنْهُ أَوْ لَا ، فَفِي الْأَوَّلِ بِقِسْمَيْهِ يَضْمَنُ اتِّفَاقًا .وَفِي ثَانِي الثَّانِي لَا يَضْمَنُ اتِّفَاقًا وَفِي أَوَّلِهِ لَا يَضْمَنُ عِنْدَ الْإِمَامِ مُطْلَقًا وَيَضْمَنُ عِنْدَهُمَا مُطْلَقًا .وَأَفْتَى الْمُتَأَخِّرُونَ بِالصُّلْحِ عَلَى نِصْفِ الْقِيمَةِ مُطْلَقًا ، وَقِيلَ إنْ مُصْلِحًا لَا يَضْمَنُ وَإِنْ غَيْرَ مُصْلِحٍ ضَمِنَ ، وَإِنْ مَسْتُورًا فَالصُّلْحُ ا هـ ح وَالْمُرَادُ بِالْإِطْلَاقِ فِي الْمَوْضِعَيْنِ الْمُصْلِحُ وَغَيْرُهُ .(فتاوى الشامى – ج ٦ – ص ٦٤ – ٦٥ – ايج ايم سعيد)

[190] كل قرض جر نفعا حرام (فتاوى الشامى – ج ٥ – ص ١٦٦ – ايج ايم سعيد)
احسن الفتاوى – ج ٧ – ص ٣١٨ – ايج ايم سعيد

[191] وكما يجب الأجر باستيفاء المنافع يجب بالتمكن من استيفاء المنافع إذا كانت الإجارة صحيحة حتى إن المستأجر دارا أو حانوتا مدة معلومة ولم يسكن فيها في تلك المدة مع تمكنه من ذلك تجب الأجرة ، كذا في المحيط(الفتاوى الهندية -ج ٤ – ص ٤١٣ – مكتبه رشيديه)

11. The *Ijarah* contract can be terminated by mutual consent of the two parties.
12. The *Ijarah* contract will be cancelled by any valid excuse such as the tenant becomes insolvent and he can't pay the rent, so the contract of lease will be terminated.
13. The *Ijarah* contract will be cancelled by any valid excuse such as the tenant becomes insolvent and he can't pay the rent, so the contract of lease will be terminated.[192]
14. If the lessee contravenes any term of the agreement, the lessor has the right to terminate the lease contract.[193]
15. The *Ijarah* contract will end by the death of one of the two parties.[194]

Employment contract

1. The employee must be able to perform the job required of him or her.[195]

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[192] وَتَنْفَسِخُ الْإِجَارَةُ بِالْأَعْذَارِ كَمَنْ اسْتَأْجَرَ دُكَّانًا فِي السُّوقِ لِيَتَّجِرَ فِيهِ فَذَهَبَ مَالُهُ وَكَمَنْ آجَرَ دَارًا ، أَوْ دُكَّانًا فَأَفْلَسَ وَلَزِمَتْهُ دُيُونٌ لَا يَقْدِرُ عَلَى قَضَائِهَا إلَّا مِنْ ثَمَنِ مَا آجَرَهُ فَسَخَ الْقَاضِي الْعَقْدَ وَبَاعَهَا فِي الدَّيْنِ (مختصر القدوري – ص ٣٨٩– ادارة القران و العلوم الاسلامية)

[193] وحكم أجير الوحد أنه أمين في قولهم جميعا حتى أن ما هلك من عمله لا ضمان عليه فيه إلا إذا خالف فيه والخلاف أن يأمره بعمل فيعمل غيره فيضمن ما تولد منه حينئذ هكذا في شرح الطحاوي .(الفتاوى الهندية -ج ٤ – ص ٥٠٠ – مكتبه رشيديه)

فأما إذا أفسد بأن خالف في صفة ما أمر به ذكر أن صاحب الجلد بالخيار إن شاء ترك الخف عليه وضمنه قيمة جلده ، وإن شاء أخذ الخف وأعطاه الأجر فإن ترك الخف عليه وضمنه فلا أجر عليه ، وإن أخذ الخف فإنه يعطيه أجر مثل عمله في خرز الخف غير منعل .(الفتاوى الهندية -ج ٤ – ص ٥١٩ – مكتبه رشيديه)

[194] وَإِذَا مَاتَ أَحَدُ الْمُتَعَاقِدَيْنِ وَقَدْ عَقَدَ الْإِجَارَةَ لِنَفْسِهِ انْفَسَخَ الْعَقْدُ (مختصر القدوري – ص٣٨٨– ادارة القران و العلوم الاسلامية)

2. The duration of the employment should be mentioned clearly at the time of the contract.[196]
3. The wage must be fixed and specified, that is to say, so much per day or so much per month. It is not valid to say that a suitable wage will be paid. If someone is employed without fixing his salary or wage, then the agreement is invalid, and he will have to be paid *UjratMithli* (a fair wage which generally s determined by an impartial third party, government). However if the rate of some work is fixed, then agreement can be made without specifying the wage. And in the event of cancellation of the agreement, the worker will have to be paid for as many days as he has worked.
   However, difference of place will be taken into account. The same rate will not be paid in a small town as in a big city, nor will the same amount be paid in a big city as in a small town.[197]
4. The nature, place and times of work must be specified. The person being employed must be told the kind of work he will be required to do, where he will work and the time he will have to work, or the amount of work he will have to do and then his wages should be agreed, therefore, if the employee is to be asked to carry any

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[١٩٥] ومنها أن لا يكون بالمستأجر عيب في وقت العقد ووقت القبض يخل بالانتفاع به فإن كان لم يلزم العقد ومنها سلامة المستأجر عن حدوث عيب به يخل بالانتفاع فإن حدث به عيب يخل بالانتفاع به لم يبق العقد لازما (الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

[١٩٦] صح العقد على مدة معلومة أي مدة كانت قصرت المدة كاليوم ونحوه أو طالت كالسنين ، كذا في المضمرات (الفتاوى الهندية – ج ٤ – ص ٤١٥ – مكتبه رشيديه)

[١٩٧] ومنها أن تكون الأجرة معلومة (الفتاوى الهندية -ج ٤ – ص ٤١١ – مكتبه رشيديه)

task which was not mentioned at the time of employment, he may refuse to do so. For example, if you employ a worker you have to tell him that you will be paid so much. Each day you will have to do so much work, and you will be working in this factory or in this place, and it will be in a cloth mill or a shoe factory, because the place and type of work makes a difference to the wages.[198]

5. The employee is not permitted to use the subject in a manner contrary to what is permitted by the contract. Specifically, the employee is not allowed to inflict any harm on the subject of the contract.[199]

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[١٩٨] والأجير الخاص من يتقبل العمل من واحد ، وإنما يعرف استحقاق الأجر بالعمل على العبارة الأولى بإيقاع العقد على العمل كما لو استأجر خياطا ليخيط له هذا الثوب بدرهم أو استأجر قصارا ليقصر له هذا الثوب بدرهم ، وإنما يعرف استحقاق الأجر بتسليم النفس وبمضي المدة بإيقاع العقد على المدة كما لو استأجر إنسانا شهرا ليخدمه والإجارة على العمل إذا كان معلوما صحيحة بدون بيان المدة والإجارة على المدة لا تصح إلا ببيان نوع العمل وإذا جمع بين العمل وبين المدة وذكر العمل أولا نحو أن يستأجر راعيا مثلا ليرعى له غنما مساة بدرهم شهرا يعتبر هو أجيرا مشتركا إلا إذا صرح في آخر كلامه بما هو حكم أجير الوحد بأن قال على أن لا ترعى غنم غيري مع غنمي وإذا ذكر المدة أولا نحو أن يستأجر راعيا شهرا ليرعى له غنما مساة بدرهم يعتبر هو أجير وحد بأول الكلام إلا إذا نص في آخر كلامه بما هو حكم الأجير المشترك فيقولوترعى غنم غيري مع غنمي .كذا في الذخيرة . والأوجه أن يقال الأجير المشترك من يكون عقده واردا على عمل معلوم ببيان عمله والأجير الخاص من يكون العقد واردا على منافعه ولا تصير منافعه معلومة إلا بذكر المدة أو بذكر المسافة . كذا في التبيين .(الفتاوى الهندية – ج ٤ - ص ٥٠٠ – مكتبه رشيديه)

[١٩٩] وَيَجُوزُ اسْتِئْجَارُ الدَّوَابِّ لِلرُّكُوبِ ، وَالْحَمْلِفَإِنْ أَطْلَقَ الرُّكُوبَ جَازَ لَهُ أَنْ يُرْكِبَهَا مَنْ شَاءَوَكَذَا إذَا اسْتَأْجَرَ ثَوْبًا لِلُّبْسِ وَأَطْلَقَ ، فَإِنْ قَالَ : عَلَى أَنْ يَرْكَبَهَا فُلَانٌ ، أَوْ يَلْبَسَ الثَّوْبَ فُلَانٌ فَأَرْكَبَهَا غَيْرَهُ ، أَوْ أَلْبَسَ الثَّوْبَ غَيْرَهُ كَانَ ضَامِنًا إنْ عَطِبَتْ الدَّابَّةُ ، أَوْ تَلِفَ الثَّوْبُ ، وَكَذَلِكَ كُلُّ مَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَأَمَّا الْعَقَارُ وَمَا لَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَإِذَا شَرَطَ فِيهِ سَاكِنًا فَلَهُ أَنْ يُسْكِنَ غَيْرَهُ ، فَإِنْ سَمَّى قَدْرًا ، أَوْ نَوْعًا يَحْمِلُهُ عَلَى الدَّابَّةِ مِثْلُ أَنْ يَقُولَ خَمْسَةُ أَقْفِزَةٍ حِنْطَةً فَلَهُ أَنْ يَحْمِلَ مَا هُوَ مِثْلُ

6. The position of a employee is an *Amin* (entrusted person) without *Zamaanat* i.e. trustee without liability. A trustee has to take full care of the item that he is entrusted with, but if by chance a item is lost or damaged, he will not be liable for compensation, but if he deliberately damages it, then he will be liable. In the same way, every worker and employee is a trustee of his employers' property, i.e. the things that he uses or is put in charge of, and of the work he has been given to do. So, if by chance or because of some difficulty he falls short in his work, or by chance the things that he is using or are in his charge break down, or get damaged, then he will not be held responsible.[200]
7. If on one day, the employer does not give his employee any work to do, then does he have to pay him for that? In this, there are two possibilities: one is that he is keeping him on the basis of a monthly or weekly wage, and the employee reported for work but was not given any work to do. In this case, he has to be paid for his time, as well as for his day off. But if is kept on a daily wage basis then he will have to be paid for the days on which he works, and not for the days on which he is not given work.[201]

الْحِنْطَةِ فِي الضَّرَرِ أَوْ أَقَلُّ كَالشَّعِيرِ وَالسِّمْسِمِ (مختصر القدوري – ص ٣٧٥ – ادارة القران و العلوم الاسلامية)

[٢٠٠] (و لا يضمن ما هلك في يده او بعمله) كتخريق الثوب من دقه الا اذا تعمد الفساد فيضمن كالمودع (فتاوى الشامى – ج ٦ – ص ٧٠ – ٧١ – ايج ايم سعيد)

[٢٠١] والأجير الخاص من يتقبل العمل من واحد ، وإنما يعرف استحقاق الأجر بالعمل على العبارة الأولى بإيقاع العقد على العمل كما لو استأجر خياطا ليخيط له هذا الثوب بدرهم أو استأجر قصارا ليقصر له

8. The *Ijarah* contract can be terminated by mutual consent of the two parties.
9. Once an employer and employee have entered into a wage agreement, then neither party has the right to cancel it unless either party is confronted with some constraint or legitimate objection which excuses the employer from taking the work or the employee from doing the work.[202]
10. The *Ijarah* contract will end by the death of one of the two parties.[203]

NOTE; The lessor or the employer may put any other conditions at what has been mentioned above, but the conditions has to be such that they are not conflict with the integrals of a transaction, as such we would advise

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هذا الثوب بدرهم ، وإنما يعرف استحقاق الأجر بتسليم النفس وبمضي المدة بإيقاع العقد على المدة كما لو استأجر إنسانا شهرا ليخدمه والإجارة على العمل إذا كان معلوما صحيحة بدون بيان المدة والإجارة على المدة لا تصح إلا ببيان نوع العمل وإذا جمع بين العمل وبين المدة وذكر العمل أولا نحو أن يستأجر راعيا مثلا ليرعى له غنما مسماة بدرهم شهرا يعتبر هو أجيرا مشتركا إلا إذا صرح في آخر كلامه بما هو حكم أجير الوحد بأن قال على أن لا ترعى غنم غيري مع غنمي وإذا ذكر المدة أولا نحو أن يستأجر راعيا شهرا ليرعى له غنما مسماة بدرهم يعتبر هو أجير وحد بأول الكلام إلا إذا نص في آخر كلامه بما هو حكم الأجير المشترك فيقولوترعى غنم غيري مع غنمي .كذا في الذخيرة .والأوجه أن يقال الأجير المشترك من يكون عقده واردا على عمل معلوم ببيان عمله والأجير الخاص من يكون العقد واردا على منافعه ولا تصير منافعه معلومة إلا بذكر المدة أو بذكر المسافة .كذا في التبيين .(الفتاوى الهندية – ج ٤ - ص ٥٠٠ – مكتبه رشيديه)

[202] لَوْ حَدَثَ عُذْرٌ مَانِعٌ لِإِجْرَاءِ مُوجَبِ الْعَقْدِ تَنْفَسِخُ الْإِجَارَةُ (درر الحكام في شرح مجلة الأحكام -ج ٣ – ص١٧ -موقع الإسلام)

[203] وَإِذَا مَاتَ أَحَدُ الْمُتَعَاقِدَيْنِ وَقَدْ عَقَدَ الْإِجَارَةَ لِنَفْسِهِ انْفَسَخَ الْعَقْدُ (مختصر القدوري – ص٣٨٨– ادارة القران و العلوم الاسلامية)

that one send to Mufti or a Alim the contract with all added conditions made by the lessor or the employer so that the contract may be verify if all condition is in conformity with the integrals of a transaction or not.

We advise one to write down the contract made between the two parties, as was the practice and teaching of our messenger Muhammad Sallallahu Alaihi Wasallam:

Hadhrat Abdul Majid Bin WahbRahimahullah narrates: Hadhrath Addaa Bin Khalid bin HauzhahRadhiallahu Anhu told me, "Should I not recite to you the letter that the messenger Muhammad Sallallahu Alaihi Wasallam wrote to me?"Hadhrat Abdul Majid Bin Wahb Rahimahullah says: I replied, "Yes indeed." Then Hadhrat Addaa Bin Khalid bin Hauzhah Radhiallahu Anhu took out a written document for in which it was imprinted:
"This is what Addaa Bin Khalid bin Hauzhah purchased from Muhammad the Messenger of Allah Sallallahu Alaihi Wasallam. He purchased from him a male slave or a female slave that had no sickness, no deceit, and no defect. This is a transaction between a Muslim and another Muslim."

(Sunan At-Tirmidhi, vol 2, pg. 230. Saeed.)[204]

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[٢٠٤] حدثنا محمد بن بشار . حدثنا عباد بن ليث صاحبالكرابيسى . حدثنا عبد المجيد بن وهب قال : قال لى العداء بن خالد بن هو ذة : ألا أقرئك كتابا كتبه لى رسول الله صلى الله عليه وسلم ؟ قال قلت : بلى . فأخرج لى كتابا (هذا ما اشترى العداء بن خالد بن هو ذة من محمد رسول الله صلى الله عليه وسلم . اشترى منه عبدا أو أمة . لا داء ولا غائلة ولا خبثة ، بيع المسلم المسلم) (سنن الترمذي —ج ٢ – ص ٢٣٠ – ايج ايم سعيد)

We advise one to put a Mediation/ Arbitration clause such as:

Ay dispute arising from or in connection with this contract shall be finally resolved in accordance with the standard conditions of Mediation/Arbitration of the Darul IftaaMahmudiyyah Sherwood, Durban, by an arbitrator appointed by the Darul Iftaa or any other competent Darul Iftaa.

Remain confined to your area of expertise

Q: Is it permissible for the husband and wife to listen to these bayāns and gain benefit from it because it has developed the love and fear for Allah Subhānahu Wa Ta'āla in my heart and also helped to strengthen family relationships so I also want my family to listen and gain benefit from it. Please advise regarding this. Also I wanted to know whether the lady Farhat Hashmi who gives Islamic lectures on YouTube is reliable. Can we listen to those lectures? Is it permissible to watch and listen to these bayans?

A: It is permissible for women to benefit from a woman giving bayān and advises if:

1. She adheres to the beliefs and the aqā'id of the Ahl-e-Sunnāh Wal Jamā'h.
2. She acknowledges *taqleed* (the following of a Madhab)and also makes taqleed.
3. Her thinking and views must be in line with the views and the thinking of our *Akābreen* (pious predecessors).
4. She adheres to the Shari'āh.

5. She adheres to the Sunnāhs of Rasullullah Sallallahu Alahi Wa Sallam
6. She must be an *Alimāh* (Islamic scholar) and be a graduate of an institute that is recognized by our Ulamā.
7. She consults with the Ulama and the senior people on issues facing her.

If all the above mentioned conditions are met, it will be permissible for such a woman to teach and advise women on issues regarding Deen. If a woman lacks any of the above conditions, it will not be permissible for her to advise others. Those women who are not *Alimāh* (Islamic scholars) are not authorized in giving speeches and lectures.

If a person were to study all the books required to become a doctor without the help of a bona fide teacher, no one will consider such a person to be qualified as a doctor, regardless of how much knowledge that person possess in medicine as there is a strong possibility of making a mistake which could be fatal.

Shari'āh has emphasized the importance of acquiring knowledge of the Quran and the Hadith and other aspects of Deen. Studying the basic aspects of Deen is *Fard* (compulsory), as it has been mentioned in the Hadith.

"Acquiring knowledge is binding upon every Muslim."

(Sunan Ibn Majah 1/81)[205]

[٢٠٥] طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ (سنن ابن ماجه (١/ ٨١)

This obligation refers to both, males and females. However, one must be very cautious from whom he acquires his/her knowledge. It is mentioned in a Hadith:

"Verily knowledge is Deen. Be cautious regarding whom you acquire your knowledge from."

(Sahih Muslim 1/14)[206]

A persons thinking and conduct is shaped according to his/her knowledge. A teacher has a great impact on his/her students. The students tend to imitate the lifestyle of their teachers.

There is a need for women to teach other women. In the time of Sahābah (Radiallahu Ta'alā Anhum), many people would seek knowledge from Aishā Radiallahu Ta'alā Anhā (the mother of all the believers) since she was the most knowledgeable woman from amongst them. This does not mean that any unqualified woman has the right to stand up and start preaching Deen. This may be detrimental for her Imān as well as for the Imān of others.

If a person is qualified in a particular field, the person should limit his/her focus to that field. This applies to men and women. If a person is a Hāfiz of the Quran, he cannot assume the position of being an Ālim by a virtue of the respect accorded to him as a Hafiz. Similarly, if a woman is teaching in a maktab for example, or is a wife of an Ālim or is a follower of a spiritual guide, that association is not

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[٢٠٦] إِنَّ هَذَا الْعِلْمَ دِينٌ، فَانْظُرُوا عَمَّنْ تَأْخُذُونَ دِينَكُمْ (صحيح مسلم (١/ ١٤)

enough for her to assume the position of a qualified Ālima or a Shaikh. It is an unfortunate reality that many such women do not maintain their limits and even assume the position of issuing Fatwās. Their respect lies in them being confined to their area of speciality and not to trespass that. In some instances, we observed that some women assume the role of a shaikh (spiritual guide) to people who view them with respect but their personal life is void of any Islamic value. That type of attitude questions the very Ikhlās (sincerity) and intention of such people. Is it loyalty and dedication to the cause of worshipping ones position? This is a critical question to determine Ikhlās. Only an act with Ikhlās and according to Shari'āh is accepted by Allah Subhānahu Wa Ta'alā.

The above are our general observations on the issue without reference to a specific person. We are unable to comment on Farhat Hashmi as we are based in South Africa and do not know much about her. Attached is a Fatwā from Darul-Ifta Jami'āh Banoria, Karachi regarding her.

S No: ========= 91
Fatwa No: ===== 36658
Date: ========= Saturday, August 21, 2004 11:19 PM

NAME :>> Syed Attique Shafaat
ADDRESS :>> Toronto
EMAIL :>>
SUBJECT :>> Dr. Farhat Hashmi

QUESTION :>> Assalam-o-Alykum,

I am resident of Toronto in Canada. These days, in Muslim Community here in Canada we have a controversial
issue regarding Islamic Darse by Dr. Farhat Hashmi of AL-HUDA. I shall be very grateful to you if you can answer
following concerns.
1. Can you please shed some light on her Darse.
2. Do you think is it okay to listen her cassettes?
3. Is it good to follow her preaching?
4. Send some information about her and her institution.
These issues are very important for us in Canada. Please reply in details so that I can forward your reply to Muslim Community.
Thanks:

ترجمہ:

السلام علیکم،

میری رہائش ٹورانٹو کنیڈا میں ہے آج کل یہاں کے مسلمان کمیونٹی میں اختلاف ہے جو فرحت ہاشمی کے درس کے متعلق ہے میں آپکا شکر گذار رہوں گا اگر آپ نے مذکورہ سوالات کے جواب دیے۔ (۱) کیا آپ اُنکے درس کے بارے میں کچھ بتا سکتے ہیں؟ (۲) کیا آپ کے خیال میں اُسکی کیسٹیں سننا صحیح ہے؟ (۳) کیا اسکی دعوت کو ماننا صحیح ہے؟ (۴) کچھ معلومات اُسکے اور اُسکے ادارے کے بارے میں بھیج دیں۔ یہ مسائل بہت ہی ضروری ہیں۔ کنیڈا میں درخواست ہیکہ آپ تفصیلی جواب دیں تاکہ میں یہاں عام کروں۔ ڈاکٹر فرحت ہاشمی "الھدیٰ انٹرنیشنل" کی سربراہ کے بارے:

الجواب حامداً ومصلیاً:

"ڈاکٹر فرحت ہاشمی" گلاسکو یونیورسٹی کی P.H.D یافتہ اور آزاد خیال عورت ہے جس نے ظاہری طور پر تفسیر قرآن کریم اور دین کو آسان کرکے پیش کرنے کے نام سے ایک سالہ کورس ترتیب دیا ہے جسے "ایک سالہ ڈپلومہ کورس ان اسلامک اسٹڈیز" کہا جاتا ہے۔ جبکہ درحقیقت وہ اپنی آزاد خیالی کی بناء پر غلط فہمی بلکہ صریح غلطی کا شکار ہے۔ اور اپنے متعلقین کو بھی وہ اسی کی تلقین کرتی ہے۔

اس کے نظریات میں سے بعض گمراہ کن ہیں جیسے اجماع امت کو اہمیت نہ دینا، تقلید کو علی الاطلاق شرک قرار دینا (جس کا مطلب یہ ہیکہ چودہ سو (۱۴۰۰) سال کی (۲)

کی تاریخ میں امت مسلمہ کی اکثریت جو ائمہ مجتہدین میں سے کسی کی تقلید کرتی رہی ہے وہ مشرک ہے، اسی طرح قضاء عمری فوت شدہ نمازوں کو قضاء کرنے کی ضرورت نہیں صرف توبہ کافی ہے اور بعض نظریات جمہور امت کے خلاف ہیں، مثلاً تین طلاقوں کو ایک قرار دینا جبکہ بعض بدعت وغیرہ بھی ہیں۔ جیسے خواتین کو جماعت کے ساتھ نماز پڑھنے کی تلقین و ترغیب دینا، صلوٰۃ التسبیح کی نماز کا باجماعت اہتمام کرنا، نیز بعض نظریات فتنہ انگیز بھی ہیں مثلاً علماء و فقہاء سے بدظن کرنا، مدارس دینیہ کی اہمیت ذہنوں سے کم کرکے مختصر کورس کو علم دین کیلئے کافی سمجھنا، اسی طرح جو مسائل کسی مجتہد نے قرآن و حدیث سے اپنے گہرے علم کی بناء پر مستنبط کیے ہیں، انہیں باطل قرار دیکر اسے قرآن و حدیث کے خلاف قرار دینا اور اس پر اصرار کرنے جیسے نظریات و اعتقادات کی تبلیغ و ترویج "الھدیٰ انٹرنیشنل" کے امتیازی اوصاف ہیں، انہیں کی بناء پر امت مسلمہ میں افتراق و انتشار اور اسلامی احکام میں شکوک و شبہات پیدا ہو رہا ہیں اور دین متین سے بیزاری اور آزاد خیالی کا رجحان بڑھ رہا ہے جس کی بناء پر مسلمانوں کو ایسے اداروں میں تعلیم دینا حاصل کرنے اور ان کی معاونت وغیرہ سے احتراز لازم ہے۔ واللہ اعلم بالصواب

بندہ محمد عبداللہ ہاشمی

دارالافتاء جامعہ بنوریہ کراچی

۲۸ رجب ۱۴۲۵ھ

الجواب صحیح
بندہ [illegible]
دارالافتاء جامعہ بنوریہ
۲۸/۷/۱۴۲۵ھ

الجواب صحیح
عبداللہ شوکت کاکاخیل
دارالافتاء جامعہ بنوریہ
۲۸/رجب ۱۴۲۵ھ

Translation of the Fatwā:

Dr. Farhat Hashmi is a P.H.D graduate of Glasgow University and is a free-minded woman who commenced a year course by apparently trying to simplify the Deen and the Tafseer of the Qurān which is known as "A One Year Diploma Course in Islamic Studies" whereas in reality through her free-minded thinking, she has become a victim of misunderstanding. In fact a victim of making apparent errors and instructing her associates of the same.

Many of her perspectives are misguiding such as, refuting the importance of *Ijmā* (consensus) of the Ummah, generally declaring the following of a Mazhab as Shirk, (which means that for the past 14 centuries, majority of the Muslim population who adhered to a Mazhab were all Mushriks). Similarly, one who has missed numerous amounts of Salāhs in his life does not need to perform those Salāhs, merely doing *Taubāh* is enough.

Many of her views are against the majority. For e.g. considering 3 divorces as 1 divorce while some of them are considered bid'ā , encouraging the woman folks in attending the Salāh with Jamā't, giving the importance of offering Salātut-Tasbeeh with Jam'āt. Such views hold the potential of creating fitnā such as having false assumptions against the Ulamā (scholars) and the *Fuqahā* (jurists), freeing the importance of Deenī Madāris (Islāmic schools) from the minds of people and considering a short and simple course to be enough for acquiring knowledge. Similarly, the jurists who have put effort in deriving rulings through their deep knowledge of Quran and Hadith are declared as nullified

and the rulings are considered to be against the Quran and Hadith.

Propagation and development of such persistent views and beliefs are a distinctive attributes of "Al-Huda International". Based on these beliefs and views, it is causing disputes and chaos and has created doubts regarding the rulings of Shari'āh in the minds of the Muslim Ummāh. The inclination towards exonerated and free minded thinking is rapidly increasing. Based on these facts, abstention from gaining admission in these institutions, teaching, and assisting are all necessary acts. And Allah knows the truth.

Muhammad Abdullah Hashmi
Darul Ifta Jami'āh Banoria Karachi
28/Rajab 1425 Hijri

Touching an English copy of the Quran without wudhu

Q: Touching an English copy of the Quran without wudhu and Clarification of the word بالفارسية

A:

Touching an English copy of the Quran without wudhu and Clarification of the word بالفارسية

On September 11, 2011, the following question was posed to the Darul Iftaa:

"Are Muslims allowed to read an English copy of the Quran without Wudhu?

The English copy of the Quran does not have Arabic in it; only the English translation."

The answer was assigned to me and the answer issued was that it is **impermissible** for a Muslim to touch a translation of the Quran without wudhu. This answer was issued in the light of the following texts:

كذا الوضوء فرض لمس القران و لو اية مكتوبة على درهم او حاءط... و لو بالفارسية ان مسها كمس المكتوب. و لو بالفارسية يحرم مسه اتفاقا. (مراقي الفلاح)

و لو كان القران مكتوبا بالفارسية يكره لهم مسه عند أبي حنيفة و كذا عندهما على الصحيح. هكذا في الخلاصة. (الفتاوى الهندية)

When I wrote the answer after quoting these texts and other Urdu *fatawa*, Mufti Saheb simply put a cross on my fatwa and told me to apply my mind further. In my second attempt I came to the same conclusion and after making some minor tweaks and adjustments to my previous answer, I gave him my second answer. Mufti Saheb just put another cross on it and sent me back. Mufti Saheb does not initially point out our mistakes. This makes us jolt our thinking. I thought it might be a grammatical error in my answer or that I might not have phrased my answer correctly because Mufti Saheb is very particular about these issues, but I got sent back another four times that day. I don't know how many more times I got sent back before completing this research. By the evening, I grew despondent and did not know what else I could do to make Mufti Saheb approve

the answer, so I approached Mufti Saheb and asked him what was wrong with the answer. He told me to first check the ruling of writing and publishing a translation of the Quran without the Arabic. He referred me to *'Jawahirul fiqh'* by Hazrat Mufti Shafi Usmani Saheb *Rahimahullah*.

I read through the relevant chapters of the book and came to the conclusion that it is impermissible to write and publish a translation of the Holy Quran without the Arabic in it.[207] Thereafter I applied my mind and thought that if it is impermissible to publish an english version of the Quran without the Arabic, hence it should be permissible to touch a translation of the Quran without wudhu. This is further supported by the fact that the Fuqha give permission to touch a Tafsir of the Quran with the actual Arabic Quran without wudhu[208] [209], (when the Tafsir is more than the Quran).

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[٢٠٧] و يمنع من كتابة القران بالفارسية بالاجماع, لانه يؤدي الى الاخلال بحفظ القران, لانا امرنا بحفظ اللفظ و المعنى...(التجنيس والمزيد, ج.١, ص.٤٧٧, ادراة القران والعلوم الاسلامية)
إنْ اعْتَادَ الْقِرَاءَةَ بِالْفَارِسِيَّةِ أَوْ أَرَادَ أَنْ يَكْتُبَ مُصْحَفًا بِهَا يُمْنَعُ، وَإِنْ فَعَلَ فِي آيَةٍ أَوْ آيَتَيْنِ لَا، فَإِنْ كَتَبَ الْقُرْآنَ وَتَفْسِيرَ كُلِّ حَرْفٍ وَتَرْجَمَتَهُ جَازَ...(رد المحتار, ج.١, ص.٤٨٦, دار الفكر)

[٢٠٨] وَقَدْ جَوَّزَ أَصْحَابُنَا مَسَّ كُتُبِ التَّفْسِيرِ لِلْمُحْدِثِ...(رد المحتار, ج.١, ص.١٧٧)
احسن الفتاوى, ج.٢, ص.٢٧, ايج ايم سعيد
قوله (إلا التفسير) أي فلا يرخص ولو كان التفسير أكثر وهو صادق بأن يكون فرضا أو واجبا لأن عدم الرخصة يجامعهما فقول المصنف وهو يقتضي الخ
فيه تأمل ونقل العلامة نوح عن الجوهرة والسراج إن كتب التفسير لا يجوز مس موضع القرآن منها وله أن يمس غيرها بخلاف المصحف لأن جميع ذلك تبع له اه(حاشية الطحاوي على مراقي الفلاح, ج.١, ص.٥٤, المطبعة الكبرى الأميرية)

On the 14th of September 2011, I found the following text in *mawsooatul fiqhiyyah al kuwaitiyyah* which seemed to support this view:

المصحف إن كتب على لفظه العربي بحروف غير عربية فهو مصحف و له احكام المصحف. و بهذا صرح الحنفية. ففي الفتاوى الهندية و تنوير الابصار: يكره عند ابي حنيفة لغير المتطهر مسّ المصحف و لو مكتوبا بالفارسية. و كذا عند الصاحبين على الصحيح...

اما ترجمة معاني القران باللغات الاعجمية فليست قرانا, بل هي نوع من التفسير , و عليه فلا بأس ان يمسّها المحدث عند من لا يمنع مسّ المحدث لكتب التفسير[٢١٠]

This text explains that if the Quran is written in non-arabic letters that resemble the arabic (transliteration), then it will be regarded to be under the ruling of a Quran and the laws of the

Quran will apply to it (wudhu…) Also, it further mentions that the ***'tarjumatu ma'āni al Quran* (translation of the Quran) in another language will not be regarded as a Quran.**

This then led me to examine the word الفارسية used by the *Fuqaha*.[211] Does it mean **translation** or **transliteration**?

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[٢٠٩]قال: ويجوز مس التفسير فهو كسائر الكتب الشرعية بل ظاهره أنه قول أصحابنا جميعا، ومن أثبت الكراهة في التفسير نظر إلى ما فيها من الآيات، ومن نفاها نظر إلى أن الأكثر ليس كذلك، إلا أن يقال إن القرآن فيه أكثر من غيره (حاشية ابن عابدين)

[٢١٠](الموسوعة الفقهية الكويتية, ج.٣٨, ص.١٠, وزارة الأوقاف والشئون الإسلامية)

[٢١١]ولو كان القرآن مكتوبا بالفارسية يحرم على الجنب والحائض مسه بالإجماع وهو الصحيح ، أما عند أبي حنيفة فظاهر وكذلك عندهما ؛ لأنه قرآن عندهما حتى يتعلق به جواز الصلاة في حق من لا يحسن العربية – (البحر الرائق ,ج.١, ص.٢١٢, دار الكتاب الإسلامي)

Prior to discussing this, let us examine the ruling of performing salāh in non-Arabic.

Ruling of performing Salāh in non-Arabic

The Ahnāf are of the opinion that it is permissible for one who does not know Arabic to perform salah in non-Arabic. [212] Consider the following texts that clearly explain that if one does not know Arabic, it will be permissible for him to perform his salāh in الفارسية.

وإذا قرأ في الصلاة بالفارسية جاز قراءته سواء كان يحسن العربية أو لا يحسن، غير أنه إن كان يحسن العربية يكره، وهذا قول أبي حنيفة، وقال أبو يوسف ومحمد: إن كان يحسن العربية لا تجوز قراءته، وإن كان لا يحسن العربية يجوز. فالعبرة عند أبي حنيفة للمعنى وعندهما للفظ والمعنى إذا قدر عليهما، وذكر شيخ الإسلام في شرح كتاب الصلاة شمس الأئمة السرخسي في شرح الجامع الصغير رجوع أبي حنيفة إلى قولهما رحمهما الله،[213]

قال الشيخ الإمام الأجل شمس الأئمة الحلواني: إن أبا حنيفة رحمه الله إنما جوز قراء القرآن بالفارسية إذا قرأ آية قصيرة يعني قرأ ترجمة آية قصيرة؛ لأن الصلاة عنده تجوز بأدنى الآيات[214]

There is a misunderstanding that Imam Abu Hanīfa *radhiallahu anhu* has permitted a person who is well versed in

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و يحرم و لو كتب بالفارسية اجماعا لتعلق جواز الصلاة به للعاجز, و كذا ساءر الكتب السماوية كما في القهستاني عن الذخيرة نعم ينبغي ان يخص ما لم يبدل منها. (حاشية الطحطاوي على مراقي الفلاح, ج.١, ص.١٤٣, دار الكتب العلمية)

[٢١٢], رد المحتار , *بدائع الصنائع*

[٢١٣]المحيط البرهاني

[٢١٤]المحيط البرهاني

Arabic to pray in non Arabic, however, his *rujū'* (retraction) from this opinion has been recorded.[215]

The authors of *al-mawsūa't al-fiqhīyah al-islāmiyah* are of the opinion that Imam Abu Hanīfa has given permission for one to recite in non Arabic on condition that the non Arabic words sound the same as the Arabic words when pronounced[216]. This, however, is incorrect. There are variations regarding the leeway Imam Abu Hanīfa *radhiallahu anhu* has given. These variations are clearly stated in *Al-Muhīt al-Burhānī*[217] and it seems that the authors of *al-*

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[215] العناية شرح الهداية , تبيين الحقاءق , الدر المختار , رد المحتار , فتح القدير , *بدائع الصنائع*

[٢١٦] المصحف إن كتب على لفظه العربي بحروف غير عربية فهو مصحف و له احكام المصحف. و بهذا صرح الحنفية. ففي الفتاوى الهندية و تنوير الابصار: يكره عند ابي حنيفة لغير المتطهر مسّ المصحف و لو مكتوبا بالفارسية. و كذا عند الصاحبين على الصحيح...

اما ترجمة معاني القران باللغات الاعجمية فليست قرانا, بل هي نوع من التفسير , و عليه فلا بأس ان يمسّها المحدث عند من لا يمنع مسّ المحدث لكتب التفسير

[٢١٧] قال الشيخ الإمام الأجل شمس الأئمة الحلواني: إن أبا حنيفة رحمه الله إنما جوز قراء القرآن بالفارسية إذا قرأ آية قصيرة يعني قرأ ترجمة آية قصيرة؛ لأن الصلاة عنده تجوز بأدنى الآيات، ثم ذكر أبو سعيد البردعي أن أبا حنيفة رحمه الله إنما جوّز القراءة بالفارسية خاصة، دون غيرها من الألسنة، أَمَرَ به بالعربية على ما جاء في الحديث «لسان أهل الجنة العربية والفارسية الدرية»، والأصح أن الاختلاف في جميع الألسنة واللغات، نحو التركية والهندية والرومية خلاف واحد، ثم إنما يجوز عند أبي حنيفة رحمه الله إذا كان مقطوع القول بأن ما أتى به هو المعنى، ويكون على نظم القرآن نحو قوله تعالى {وَمَن يَقْتُلْ مُؤْمِناً مُّتَعَمّداً فَجَزَآؤُهُ جَهَنَّمُ خَالِداً فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَاباً عَظِيماً} (النساء: ٩٣) ستراي وي دونغ ونحو قوله تعالى {فَجَمَعْنَٰهُمْ جَمْعاً} (الكهف: ٩٩) ..... وقال تعالى: {مَعِيشَةً ضَنكاً} (طه: ١٢٤) ، فأما إذا لم يكن على نظم القرآن لا يجوز.

قال الإمام الزاهد الصفار رحمه الله يجوز كيف ما كان ذكر في باب السهو، قال بعضهم؛ إنما يجوز إذا كان ذلك..... كسورة الإخلاص، فأما إذا كان من القصص، فإنه لا يجوز، كقوله تعالى: {اقْتُلُواْ يُوسُفَ}

mawsūa't al-fiqhīyah al-islāmiyah did not consider the *rājih* (preferred/ prevalent) opinion.

The A'imā e Thalāth are of the opinion that it is impermissible for one to pray his salah in non Arabic whether he knows Arabic or not[218] as the translation of the Quran is regarded to be Tafsīr and the recitation of a Tafsīr is not permissible in Salāh. (This will be mentioned in with more detail further on). They also say that the translation of the Quran will not be regarded to be a Quran as a translation of the Quran does not have numerous qualities of the Quran. This is why it will be permissible for a *hāidh and junubī* to recite the translation of the Quran. [219]

وقال الشافعي: لا تجوز قراءته على كل حال، وأجمعوا على أنه لا تفسد صلاته بالقراءة بالفارسية إنما الخلاف في الجواز، احتج الشافعي رحمه الله بقوله تعالى: {إِنَّا جَعَلْنَهُ قُرْءاناً عَرَبِيّاً} (الزخرف: ٣) الله تعالى أخبر أن القرآن

(يوسف: ٩) فقال بكشند يوسف لا، فإنه لا يجوز وتفسد صلاته، والصحيح أنه يجوز في الكل، والله أعلم.

[23] ولا تجزئه القراءة بغير العربية ولا إبدال لفظها بلفظ عربي سواء أحسن قراءتها بالعربية أول لم يحسن وبه قال الشافعي و أبو يوسف و محمد وقال أبو حنيفة : يجوز ذلك وقال بعض أصحابه إنما يجوز لمن لم يحسن العربية واحتج بقوله تعالى : { وأوحي إلي هذا القرآن لأنذركم به ومن بلغ } ولا ينذر كل قوم إلا بلسانهم

ولنا : قول الله تعالى : { قرآنا عربيا } وقوله تعالى : { بلسان عربي مبين } ولأن القرآن معجزة لفظه ومعناه فإذا غير خرج عن نظمه فلم يكن قرآنا ولا مثله وإنما يكون تفسيرا له ولو كان تفسيره مثله لما عجزوا عنه لما تحداهم بالاتيان بسورة مثله أما الانذار فانه إذا فسره لهم كان الانذار بالمفسر دون التفسير (المغني في فقه الإمام أحمد بن حنبل الشيباني)

[٢١٩] القيلوبي , روضة الطالبين , نهاية المحتاج , المجموع , المغني , كشاف القناع

عربي، والفارسي غير العربي، فلا يكون قرآناً، فلا تجوز صلاته و؟.... القرآن اسم للمعجز، والإعجاز في النظم والمعنى، فإذا قدر عليهما لا يتأدى الفرض إلا بهما، وإذا عجز عن التعلم أتى بما قدر عليه كمن عجز عن الركوع والسجود، فإنه يصلي بالإيماء.[٢٢٠]

وَعِنْدَ الشَّافِعِيِّ - رَضِيَ اللَّهُ عَنْهُ - لَا تَجُوزُ الْقِرَاءَةُ بِالْفَارِسِيَّةِ بِحَالٍ وَلَكِنَّهُ إنْ كَانَ لَا يُحْسِنُ الْعَرَبِيَّةَ، وَهُوَ أُمِّيٌّ يُصَلِّي بِغَيْرِ قِرَاءَةٍ[٢٢١]

مَذْهَبُنَا أَنَّهُ لَا يَجُوزُ قِرَاءَةُ الْقُرْآنِ بِغَيْرِ لِسَانِ الْعَرَبِ سَوَاءٌ أَمْكَنَهُ الْعَرَبِيَّةُ أَوْ عَجَزَ عَنْهَا وَسَوَاءٌ كَانَ فِي الصَّلَاةِ أَوْ غَيْرِهَا فَإِنْ أَتَى بِتَرْجَمَتِهِ فِي صَلَاةٍ بَدَلًا عَنْ الْقِرَاءَةِ لَمْ تَصِحَّ صَلَاتُهُ سَوَاءٌ أَحْسَنَ الْقِرَاءَةَ أَمْ لَا هَذَا مَذْهَبُنَا وَبِهِ قَالَ جَمَاهِيرُ الْعُلَمَاءِ مِنْهُمْ مَالِكٌ وَأَحْمَدُ وَدَاوُد وَقَالَ أَبُو حَنِيفَةَ تَجُوزُ وَتَصِحُّ بِهِ الصَّلَاةُ مُطْلَقًا وَقَالَ أَبُو يُوسُفَ وَمُحَمَّدٌ يَجُوزُ لِلْعَاجِزِ دُونَ الْقَادِرِ وَاحْتُجَّ لِأَبِي حَنِيفَةَ بِقَوْلِهِ تَعَالَى (قل الله شهي؟ بَيْنِي وَبَيْنَكُمْ وَأُوحِيَ إلَيَّ هَذَا الْقُرْآنُ لِأُنْذِرَكُمْ به) قَالُوا وَالْعَجَمُ لَا يَعْقِلُونَ الْإِنْذَارَ إلَّا بِتَرْجَمَتِهِ وَفِي الصَّحِيحَيْنِ إنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " أُنْزِلَ الْقُرْآنُ عَلَى سَبْعَةِ أَحْرُفٍ " وَعَنْ سَلْمَانَ الْفَارِسِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّ قَوْمًا مِنْ الْفُرْسِ سَأَلُوهُ أَنْ يَكْتُبَ لَهُمْ شَيْئًا مِنْ الْقُرْآنِ فَكَتَبَ لَهُمْ فَاتِحَةَ الْكِتَابِ بِالْفَارِسِيَّةِ وَلِأَنَّهُ ذِكْرٌ فَقَامَتْ تَرْجَمَتُهُ مَقَامَهُ كَالشَّهَادَتَيْنِ فِي الْإِسْلَامِ وَقِيَاسًا عَلَى جَوَازِ تَرْجَمَةِ حَدِيثِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقِيَاسًا عَلَى جَوَازِ التَّسْبِيحِ بِالْعَجَمِيَّةِ[٢٢٢]

To conclude, the Ahnāf are of the opinion that if one does not know Arabic, he may resort to recitation in الفارسية in Salah, whereas the A'imā e Thalāth are of that it is impermissible for a person; whether he knows Arabic or not, to pray salāh in الفارسية.

Is a *Translation* of a Quran, a Quran?

The next thing that must be clarified is the position of the Ulamā and Fuqahā on whether the **translation** of the Quran can be called a 'Quran' or whether it must be called a '**translation** of the Quran' or a 'Tafsīr'.

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[٢٢٠] المحيط البرهاني

[٢٢١] المبسوط, ج.١, ص.٣٧, دار المعرفة

[٢٢٢] الكتاب: المجموع شرح المهذب ((مع تكملة السبكي والمطيعي)) الناشر: دار الفكر

- يرى المالكية: أن القرآن لو كتب بلغة أعجمية، فإنه يجوز للمحدث مسه، لأن كتابة القرآن بغير العربية، يكون تفسيراً للقرآن وليس بقرآن .قال الدسوقي :وأما لو كتب القرآن بالعجمي لجاز للمحدث مسه لأنه ليس بقرآنٍ بل هو تفسيرٌ للقرآن أما إن كان المكتوب بغير العربية هو معاني القرآن، وليس القرآن، فمن باب أولى جواز مسه عند المالكية[٢٢٣]

- يرى الحنابلة: ولا تجزئه القراءة بغير العربية ولا إبدال لفظها بلفظ عربي سواء أحسن قراءتها بالعربية أول لم يحسن وبه قال الشافعي و أبو يوسف و محمد وقال أبو حنيفة : يجوز ذلك وقال بعض أصحابه إنما يجوز لمن لم يحسن العربية واحتج بقوله تعالى : { وأوحي إلي هذا القرآن لأنذركم به ومن بلغ } ولا ينذر كل قوم إلا بلسانهم
ولنا : قول الله تعالى : { قرآنا عربيا } وقوله تعالى : { بلسان عربي مبين } ولأن القرآن معجزة لفظه ومعناه فإذا غير خرج عن نظمه فلم يكن قرآنا ولا مثله وإنما يكون تفسيرا له ولو كان تفسيره مثله لما عجزوا عنه لما تحداهم بالاتيان بسورة مثله أما الانذار فانه إذا فسره لهم كان الانذار بالمفسر دون التفسير[٢٢٤]

- يرى الأحناف: و يجب السجود على من تلا اية... و لو تلاها بالفارسية اتفاقا فهم او لم يفهم لكونها قرانا من وجه.
و قال الطحطاوي: (قوله:لكونها قرانا من وجه) أي نظرا للمعنى دون وجه نظرا للنظم, فباعتبار المعنى توجب السجدة و باعتبار النظم لا توجبها فتجب احتياطا.[٢٢٥]

From the above texts, we deduce that the A'imā e Thalāth are of the opinion that the Quran will only referred to as a Quran when it is **in its Arabic form**. If it is in any other language, it will be considered to be a Tafsīr of the Quran.

واحتجوا أيضا بان ترجمة القرآن ليست قرآنا لان القرآن هو هذا النظم المعجز وبالترجمة يزول الاعجاز فلم يجز وكما ان الشعر يخرجه ترجمته عن كونه شعرا فكذا القرآن واحتجوا أيضا بان ترجمة القرآن ليست قرآنا لان القرآن

[٢٢٣] حاشية الدسوقي
[٢٢٤] المغني في فقه الإمام أحمد بن حنبل الشيباني
[٢٢٥] حاشية ا لطحطاوي مع مراقي الفلاح

هو هذا النظم المعجز وبالترجمة يزول الاعجاز فلم يجز وكما ان الشعر يخرجه ترجمته عن كونه شعرا فكذا القرآن[٢٢٦]

However, according to the Ahnāf, there are two aspects of the Quran; the *nazm* (actual text) and the *ma'na* (the meaning). The *ma'na* of the Quran will be considered to be Quran regardless of what language it may be translated in because the meaning of the Quran remains the same when translated. Whereas the *nazm* will only be called 'Quran' when it is in Arabic.

According to the A'ima e thalāth; Imam Shāfi, Ahmad and Mālik *radhiallahu anhum,* a translation of the Quran is not a Quran because the translation doesn't have the qualities of the actual Quran; for example: subjugating other texts.

ولنا : قول الله تعالى : { قرآنا عربيا } وقوله تعالى : { بلسان عربي مبين } ولأن القرآن معجزة لفظه ومعناه فإذا غير خرج عن نظمه فلم يكن قرآنا ولا مثله وإنما يكون تفسيرا له ولو كان تفسيره مثله لما عجزوا عنه لما تحداهم بالاتيان بسورة مثله أما الانذار فانه إذا فسره لهم كان الانذار بالمفسر دون التفسير
ولنا : قول الله تعالى : { قرآنا عربيا } وقوله تعالى : { بلسان عربي مبين } ولأن القرآن معجزة لفظه ومعناه فإذا غير خرج عن نظمه فلم يكن قرآنا ولا مثله وإنما يكون تفسيرا له ولو كان تفسيره مثله لما عجزوا عنه لما تحداهم بالاتيان بسورة مثله أما الانذار فانه إذا فسره لهم كان الانذار بالمفسر[٢٢٧]

The Ahnāf argue in favour of the *ma'nā* (translation) being Quran. They say that Allah *Ta'ālā* states in the Quran: "*Verily it is in the scriptures of those before"*.

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[٢٢٦] المجموع شرح المهذب

[٢٢٧] المغني في فقه الإمام أحمد بن حنبل الشيباني

وأبو حنيفة رحمه الله احتج بما روي أن الفرس كتبوا إلى سلمان أن يكتب لهم الفاتحة بالفارسية فكتبها إليهم، وكانوا يقرؤون في الصلاة حتى لانت ألسنتهم بالعربية، والدليل عليه قوله تعالى: {وَإِنَّهُ لَفِى زُبُرِ الأَوَّلِينَ} (الشعراء) ، ولا شك أن في زبر الأوليين هو المعنى دون اللفظ وَإِنَّهُ لَفِي زُبُرِ الْأَوَّلِينَ[٢٢٨]

It is recorded that the Persians wrote to Salmān al Fārsī *radhiallahu anhu* and requested him to write the translation of *Surah al Fātihah* for them. When he wrote it, they recited sūrah al Fātiha in *Fārsī* in Salāh until their tongues adapted to the Arabic language.[229] [230]

The fact that the Persians recited in *Fārsī* clearly demonstrates that *ma'nā* is regarded as Quran.

The *Ahnāf* also cite the following verse in support of *ma'nā* being Quran:

إِنَّ هَـٰذَا لَفِي الصُّحُفِ الْأُولَىٰ, صُحُفِ إِبْرَاهِيمَ وَمُوسَىٰ

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[٢٢٨] المحيط البرهاني

[٢٢٩] المجموع للنووي

[٢٣٠] سمعت أبا بكر محمد بن الحسين بن أحلم البخاري يقول: سمعت أبا الحسن نصر بن أحمد الشرغي يقول سمعت أبا بكر محمد بن عبد الله بن يزداد الرازي يقول سمعت محمد بن جعفر الفقيه يقول: سمعت أبا بكر محمد بن يوسف المعروف بأبي حنيفة الصغير يقول: بلغنا أن أهل فارس كتبوا إلى سلمان أن يكتب إليهم بشيء من القرآن بلسانهم فكتب إليهم: بسم الله تام إيزد بخشا وند بخشا يشركر اشتهل خيش خداي همه جهان بخشا وند بخشا شركر خداي روزدادستان كبرا برستيم أوترا بياري خداهم كتوا ما راراه آن ندهى كنخشمي توا با إيشان أو نبيرا هتد.

(فضائل القرآن للمستغفري, ص.٤٩٣, دار ابن حزم)

"Verily this is in the previous scriptures; the scriptures of Mūsā and Ibrāhīm"

(87:18/19)

The Ahnāf deduce from this verse that the same contents of the Quran were mentioned it these scriptures albeit in a different language. Even though they were in a different language, Allah Taʽālā still states that "Verily **THIS** (Quran) was in the previous scriptures..." From this it is clear that a translation of the Quran is regarded as *Qurān min wajhil ma'nā* (Quran in the sense of the meaning).

To conclude, the *A'imā e Thalāth* are of the opinion that the **translation** of the Quran will be regarded as a ***Tafsīr*** of the Quran and that is why it will be permissible to touch it without wudhu and it will be impermissible for to use it in salāh, whereas the *Ahnāf* are of the opinion that the translation of the Quran is '**Quran min wajhil ma'naa'** which is why one must have wudhu to touch the translation of the Quran.

Is it permissible to touch a translation of the Qurān; without the Arabic, without wudhu?

From the aforementioned discussions, we conclude that according to the Ahnāf:

1. It is permissible for one who does not know Arabic to perform salāh in non- Arabic.
2. The translation of the Quran is regarded to be *Qurān min wajhil ma'nā.*

This now takes us back to the initial question: "Are Muslims allowed to read an English copy of the Quran that contains no Arabic without Wudhu?"

The basis of this is the juristic text بالفارسية. Does it mean **translation** or **transliteration**? If it means translation, it would only mean that touching a translation without wuhdu is impermissible; it would have no effect on the ruling of a transliteration. If it means transliteration, it would mean that touching both a translation and transliteration of the Quran without wudhu is impermissible.

Texts that indicate Translation	Reasons why Translation is meant
وَرَوَى الْحَسَنُ عَنْ أَبِي حَنِيفَةَ رَحِمَهُمَا اللَّهُ أَنَّهُ إذَا أَذَّنَ بِالْفَارِسِيَّةِ وَالنَّاس يَعْلَمُونَ أَنَّهُ أَذَانٌ جَازَ، وَإِنْ كَانُوا لَا يَعْلَمُونَ ذَلِكَ لَمْ يَجُزْ لِأَنَّ الْمَقْصُودَ الْإِعْلَامُ وَلَمْ يَحْصُلْ بِهِ، ثُمَّ عِنْدَ أَبِي حَنِيفَةَ ء رَحِمَهُ اللَّهُ ء إنَّمَا يَجُوزُ إذَا قَرَأَ بِالْفَارِسِيَّةِ إذَا كَانَ يَتَيَقَّنُ بِأَنَّهُ مَعْنَى الْعَرَبِيَّةِ.	We understand this to mean the Translation because the condition of "people knowing that it is adhān" only makes sense when the translation of the adhān is given in a different language. If transliteration was meant, this condition wouldn't be there because the transliteration sounds the same as the Arabic.
و يجب السجود على من تلا اية... و لو تلاها بالفارسية اتفاقا فهم او لم يفهم لكونها قرانا من وجه. و قال الطحطاوي: (قوله:لكونها قرانا من وجه) أي نظرا للمعنى دون وجه نظرا للنظم, فباعتبار المعنى	If transliteration was meant, then there would be no benefit in mentioning "if he understands or not".

توجب السجدة و باعتبار النظم لا توجبها فتجب احتياطا.	Also, if transliteration was meant then the following wouldn't make any sense "So sajdah is obligatory taking the meaning into consideration, not the *nazm.*" If transliteration was meant, the opposite would be stated.
بلغنا أن أهل فارس كتبوا إلى سلمان أن يكتب إليهم بشيء من القرآن بلسانهم فكتب إليهم: بسم الله تام إيزد بخشا وند بخشا يشركر اشتهل خيش خداي همه جهان بخشا وند بخشا شركر خداي روزدادستان كبرا برستيم أوترا بياري خداهم كتوا ما راراه آن ندهى كنخشمي توا با إيشان أو نبيرا هتد	This is absolutely clear; the actual translation is mentioned in the narration.
قال الشيخ الإمام الأجل شمس الأئمة الحلواني: إن أبا حنيفة رحمه الله إنما جوز قراء القرآن بالفارسية إذا قرأ آية قصيرة **يعني قرأ ترجمة آية قصيرة**؛ لأن الصلاة عنده تجوز بأدنى الآيات	This clearly means the translation due to the fact that this is mentioned in the text itself. "Meaning he recites the *tarjumah* (translation) of a small verse"

There are also other narrations that can be used to prove that the translation is meant.[231] [232] [233]But we will suffice with the ones mentioned above.

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[231] وَكَذَلِكَ الْخِلَافُ فِيمَا إذَا تَشَهَّدَ بِالْفَارِسِيَّةِ أَوْ خَطَبَ الْإِمَامُ يَوْمَ الْجُمُعَةِ بِالْفَارِسِيَّةِ فَالشَّافِعِيُّ - رَحِمَهُ اللَّهُ - يَقُولُ إنَّ الْفَارِسِيَّةَ غَيْرُ الْقُرْآنِ قَالَ اللَّهُ - تَعَالَى -: {إنَّا جَعَلْنَاهُ قُرْآنًا عَرَبِيًّا} [الزخرف: ٣] وَقَالَ اللَّهُ

Texts that indicate transliteration	Reasons why Transliteration is meant
المصحف إن كتب على لفظه العربي بحروف غير عربية فهو مصحف و له احكام المصحف. و بهذا صرح الحنفية. ففي الفتاوى الهندية و تنوير الابصار: يكره عند ابي حنيفة لغير المتطهر مسّ المصحف و لو مكتوبا بالفارسية. و كذا عند الصاحبين على الصحيح...	It seems to us that this means that if the Quran is written in such non-arabic letters that resemble the arabic (transliteration), then it will be regarded to be under the ruling of a Quran.

- تَعَالَى -: {وَلَوْ جَعَلْنَاهُ قُرْآنًا أَعْجَمِيًّا} [فصلت: ٤٤] الْآيَةَ فَالْوَاجِبُ قِرَاءَةُ الْقُرْآنِ، فَلَا يَتَأَدَّى بِغَيْرِهِ بِالْفَارِسِيَّةِ، وَالْفَارِسِيَّةُ مِنْ كَلَامِ النَّاسِ فَتَفْسُدُ الصَّلَاةُ وَأَبُو يُوسُفَ وَمُحَمَّدٌ رَحِمَهُمَا اللَّهُ قَالَا الْقُرْآنُ مُعْجِزٌ وَالْإِعْجَازُ فِي النَّظْمِ وَالْمَعْنَى فَإِذَا قَدَرَ عَلَيْهِمَا، فَلَا يَتَأَدَّى الْوَاجِبُ إلَّا بِهِمَا، وَإِذَا عَجَزَ عَنْ النَّظْمِ أَتَى بِمَا قَدَرَ عَلَيْهِ كَمَنْ عَجَزَ عَنْ الرُّكُوعِ وَالسُّجُودِ يُصَلِّي بِالْإِيمَاءِ وَأَبُو حَنِيفَةَ - رَحِمَهُ اللَّهُ - اسْتَدَلَّ بِمَا رُوِيَ أَنَّ الْفُرْسَ كَتَبُوا إلَى سَلْمَانَ - رَضِيَ اللَّهُ عَنْهُ - أَنْ يَكْتُبَ لَهُمْ الْفَاتِحَةَ بِالْفَارِسِيَّةِ فَكَانُوا يَقْرَءُونَ ذَلِكَ فِي الصَّلَاةِ حَتَّى لَانَتْ أَلْسِنَتُهُمْ لِلْعَرَبِيَّةِ، ثُمَّ الْوَاجِبُ عَلَيْهِ قِرَاءَةُ الْمُعْجِزِ وَالْإِعْجَازُ فِي الْمَعْنَى، فَإِنَّ الْقُرْآنَ حُجَّةٌ عَلَى النَّاسِ كَافَّةً وَعَجْزُ الْفُرْسِ عَنْ الْإِتْيَانِ بِمِثْلِهِ إنَّمَا يَظْهَرُ بِلِسَانِهِمْ وَالْقُرْآنُ كَلَامُ اللَّهِ - تَعَالَى - غَيْرُ مَخْلُوقٍ وَلَا مُحْدَثٍ وَاللُّغَاتُ كُلُّهَا مُحْدَثَةٌ فَعَرَفْنَا أَنَّهُ لَا يَجُوزُ أَنْ يُقَالَ إنَّهُ قُرْآنٌ بِلِسَانٍ مَخْصُوصٍ، كَيْفَ وَقَدْ قَالَ اللَّهُ تَعَالَى: {وَإِنَّهُ لَفِي زُبُرِ الْأَوَّلِينَ} [الشعراء: ١٩٦] وَقَدْ كَانَ بِلِسَانِهِمْ.(المبسوط, ج.١, ص.٣٧, دار المعرفة)

[٢٣٢] وفي التَّخْيِيرِ ما جاء في الْقُرْآنِ من الْيَدِ وَالْوَجْهِ لِلَّهِ تَعَالَى وَلَيْسَ بِجَارِحَةٍ هل يَجُوزُ إطْلَاقُ هذه الْأَشْيَاءِ بِالْفَارِسِيَّةِ قال بَعْضُ الْمَشَايِخِ رَحِمَهُمْ اللَّهُ تَعَالَى يَجُوزُ إذَا لم يَعْتَقِدْ الْجَوَارِحَ وقال أَكْثَرُهُمْ لَا يَصِحُّ وَعَلَيْهِ الِاعْتِمَادُ كَذَا في التَّتَارْخَانِيَّة (الفتاوى الهندية, ج.٢, ص.٢٥٨, دار الفكر)

[٢٣٣] وَعَنْهُ، قَالَ كَانَ أَهْلُ الْكِتَابِ يَقْرَءُونَ التَّوْرَاةَ بِالْعِبْرَانِيَّةِ، وَيُفَسِّرُونَهَا بِالْعَرَبِيَّةِ لِأَهْلِ الْإِسْلَامِ. فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تُصَدِّقُوا أَهْلَ الْكِتَابِ وَلَا تُكَذِّبُوهُمْ، وَ {قُولُوا آمَنَّا بِاللَّهِ وَمَا أُنْزِلَ إِلَيْنَا} [البقرة: ١٣٦] الْآيَةَ» . رَوَاهُ الْبُخَارِيُّ

(قَالَ: كَانَ أَهْلُ الْكِتَابِ) ، أَيِ: الْيَهُودُ (يَقْرَءُونَ التَّوْرَاةَ بِالْعِبْرَانِيَّةِ) : بِكَسْرِ الْعَيْنِ (وَيُفَسِّرُونَهَا) ، أَيْ: يُتَرْجِمُونَهَا (بِالْعَرَبِيَّةِ لِأَهْلِ الْإِسْلَامِ)(...مرقاة المفاتيح شرح مشكاة المصابيح, ج.١, ص.٢٤٠, دار الفكر)

	The answer given is that the authors of *al-mawsūa ʿt al-fiqhīyah al-islāmiyah* did not consider the *rājih* (preferred/ prevalent) opinion in regards to the matter as stated previously. It is also possible the authors adopted an attitude of majority ruling (of the *A'ima e thalāth*) and interpret the minority ruling (the Ahnāf) in such a way that it supports the majority opinion.

To conclude, the Ahnāf are of the opinion that there are two aspects of the Quran. One is the *nazm* and the other is the *ma'nā*. Whenever one of these two or both are found (and prevalent), then one must have wudhu to touch it. It can be simplified into the following:

1. **Quran**= Wudhu is required to touch it
2. **Arabic + Translation**= Wudhu is required to touch it.
3. **Translation ONLY**= Wudhu is required to touch it *ihtiyātan* because it is *Qurān min wajhil ma'nā;* this ruling is in the light of the text mentioned in *hāshiyah at Tahāwī:*

و قال الطحطاوي: (قوله:لكونها قرانا من وجه) أي نظرا للمعنى دون وجه نظرا للنظم, فباعتبار المعنى توجب السجدة و باعتبار النظم لا توجبها **فتجب احتياطا**[٢٣٤]

4. **Arabic + Transliteration**= Wudhu is not required (same ruling as Tafsir- depends on which is dominant)
5. **Transliteration ONLY**= Wudhu is not required. (Transliteration is neither *Qurān min wajh al nazm* or *min wajh al ma'nā*.

Christmas and the Economic boom

Various festive seasons; Eid for Muslims, Diwali for Hindus, Christmas for Christians are celebrated according to one's beliefs. A common cause in all festivities is shopping in order to celebrate. Just as Muslims shop at non-Muslim outlets to fulfil their general and specific needs during Eid, during Christmas, Christians will also frequent Muslim owned shops to fulfil their general and specific needs.

A festive season comes with an economic boom. According to statistics, 18% of the annual revenue is attained in the festive period. Therefore the Christmas season presents an opportunity to earn extra income.

As human beings, we are intimately affected with means and unfortunately we begin to think that the means that provide

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[٢٣٤](حاشية ا لطحطاوي مع مراقي الفلاح)

for us **is** the provider**whereas it is not**. As Muslims our Aqidah is that Allah **is the Provider**; the festive season **is merely a means**. Be conscious of this belief at all times. With this correct belief if we earn extra, that will lead us to make shukr. If adverse conditions come, we make sabr. If one believes that the means is providing and one did not do well in business, that will lead to grief and agony.

The Darul Iftaa makes dua that Allah Ta'ala grant all our businessmen lots of barakah and blessings during this festive economic season. Ameen.

Further advises tomorrow and the entire week on what to do in one's business during this festive economic season.

Christmas and the Economic boom day 2

Yesterday's advice

The Christmas festive season is merely a means for extra income. Allah is the actual Provider.

Today's advice

We are living in a world of means. Working hard and exerting oneself is a means of extra income. During this festive economic season, commence business early in the morning. The Prophet salallahu alaihi wasallam said,

"اللَّهُمَّ بَارِكْ لِأُمَّتِي فِي بُكُورِهَا"

"O Allah, bless my ummah in their early hours of the day."

(Sunan Tirmidhi hadith no.1212)

The early hours are submerged in blessings. It will be noticed that the amount of work carried out in this time is more in comparison to any other time of the day.

Whenever the Prophet salallahu alaihi wasallam exported or imported goods, he would send the caravan in the morning. The sahabah state that these caravans would return with a high profit margin. (Sunan Tirmidhi)

The Darul Iftaa makes dua that Allah Ta'ala grant all our businessmen lots of barakah and blessings during this festive economic season. Ameen.

Further advises tomorrow and the entire week on what to do in one's business during this festive economic season.

Christmas and the Economic boom: Day 3

Yesterday's advice

We need to adopt the means at our disposal to earn an extra income. The early hours of the day are a means of great blessing and barakah. The Prophet salallahu alaihi wasallam and the Sahabah encouraged commencing business early in the morning.

Today's advice

In the festive period of Christmas, majority of the shoppers are Christians. They are out looking for bargains and sales in order to buy gifts for their loved ones.

A Muslim should hunt for opportunities to convey the message of Islam. This Christmas shopping spree presents Muslim businessmen a golden opportunity to manifest the true nature and spirit of Islam.

We need to adopt a gentle and courteous disposition in these days all the more. Whoever enters our stores, they come seeking the dunya. Let it be that when they exit your shop, they are impressed with the sublime character of Islam and Muslims.

Do not confront any Christian regarding beliefs around Christianity. This is not the time. Any discussion against Christianity at this time will be counter-productive. Rather, impress them with your akhlaaq.

Allah Ta'ala says,

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحِكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُم بِالَّتِي هِيَ أَحْسَنُ(النحل:١٢٥)

Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best.

The Darul Iftaa makes dua that Allah Ta'ala grant all our businessmen lots of barakah and blessings during this festive economic season. Ameen.

Christmas and the Economic boom: Day 4

Yesterday's advice

With the thousands of non-Muslims shopping at Muslim stores, we have a golden opportunity to impress non-Muslims with our gentle disposition and akhlaaq.

Today's advice

Before proceeding to do business, perform two rakats salaatul haajah and ask Allah to put barakah in your business and protect you against losses.

Also, be mindful of performing your fardh salaah on time. Missing your fardh salaah deprives one of barakah in business.

The Darul Iftaa makes dua that Allah Ta'ala grant all our businessmen lots of barakah and blessings during this festive economic season. Ameen.

Christmas and the Economic boom: Day 5

Yesterday's advice

Before proceeding to do business, perform two rakaat salaatul haajah and ask Allah to put barakah in your businesses and protect you against loss. Be mindful of performing fardh salaah on time.

Today's advice

The Prophet sallahu alaihi wasallam said,

“Verily these shopping centres are blemished with vain talk and lies, so offset it’s evils by way of sadaqah.”

(Sunan Nasai Hadith no.3799)

The act of giving in charity is a display of gratitude for what Allah has given us. Sadaqah averts the wrath of Allah. It attracts favourable economic conditions. It contributes to the wholesomeness of business. Give some sadaqah regularly, especially in this busy period in order to witness purity and barakah in wealth.

The Darul Iftaa makes dua that Allah Ta’ala grant all our businessmen lots of barakah and blessings during this festive economic season. Ameen.

Response to article in Huffington Post,'What's up with Muslims and dogs.'

An article appeared in the Huffington Post ‘What’s up with Muslims and dogs’ written by Ingrid Mattson. She attempts to prove that prohibition of dogs is a cultural issue and has nothing to do with Deen. Ingrid Mattson’s profile states that she is a professor of Islamic studies. Below is the article from Huffington Post.

We had many requests to respond to the article.

Advocate Mufti Emran Vawda has adequately responded to the article rebutting her erroneous claims and expounding

the reality of dogs from the Shariah perspective with academic references.

It is very unfortunate that today the claim as professor of Islamic studies has become a title without any merit. This becomes very clear from the texts cited by Advocate Mufti Emran Vawda. Anyone having little knowledge of Ahaadith would have known these Ahaadith referred to in the response. The article makes an enjoyable academic read.

Mufti Ebrahim Desai

What's Up With Muslims and Dogs?

By Ingrid Mattson

I'm not a big follower of reality television, but was happy to hear about TLC's new reality show "All-American Muslim." We know that personal contact is the best way to break down stereotypes, but with Muslims less than 2% of the U.S. population, many Americans will never get to know a Muslim. Meeting us through reality television might not be ideal, but it's better than nothing.

After watching "All-American Muslim" for a few weeks, I now believe that the show is good for our community beyond the way it might lessen prejudice against Muslims. The additional benefit is that the show has engaged our community in discussing some of the many challenges we face making distinctions between critical religious values and flexible cultural practices. In the fourth episode, the issue of Muslims having dogs in the home came up, and this is worth further discussion.

In this episode, newlywed Arab-American Shadia tells Jeff, her Irish-American convert husband, that she does not want his dog to move with them to their new home. Shadia has allergies, and her asthma is exacerbated by the dog's hair. This is an understandable and common dilemma. But Shadia bolsters her position with statements about the impermissibility for a Muslim to have dogs in the home. Her father will not pray in the house if the dog is there, she says, because dog hair is impure and a prayer space needs to be pure. Later, Shadia backs off from the religious argument, admitting that the main reason she doesn't want a dog in the house is "I wasn't raised with dogs; I'm not used to them." I appreciated this moment of honesty. The use of a religious norm as a trump card in an argument we want to win is a temptation we all face.

So what is the Islamic position about dogs? In fact, there are a variety of opinions according to different legal schools. The majority consider the saliva of dogs to be impure, while the Maliki school makes a distinction between domestic and wild dogs, only considering the saliva of the latter to be impure. The question for Muslims observant of other schools of law is, what are the implications of such an impurity?

These Muslims should remember that there are many other impurities present in our homes, mostly in the form of human waste, blood, and other bodily fluids. It is fairly common for such impurities to come in contact with our clothes, and we simply wash them off or change our clothes for prayer. When you have children

at home, it sometimes seems you can never get away from human waste. But we manage it, often by designating a special space and clothing kept clean for prayer.

Some Muslims object to having a dog in the home because of a prophetic report that angels do not enter a home with dogs in it. If a Muslim accepts this report as authentic, it still requires an analysis of context to determine its meaning and legal application. Ordinary people are not recipients of divine revelation through angelic messengers, so it is possible that this statement, although in general form, might suggest a rule for the Prophet's home, not all homes. This interpretation is strengthened by the fact the Qur'an states that angels are always present, protecting us and recording our good and bad actions.

Whatever the implications of this report, there is no doubt that the Qur'an is positive about dogs. The Qur'an allows the use of hunting dogs, which is one of the reasons the Maliki school makes a distinction between domestic and wild dogs - since we can eat game that has been in a retriever's mouth. But most compelling is the Qur'anic description of a dog who kept company with righteous youths escaping religious persecution. The party finds shelter in a cave where God places them in a deep sleep; the Qur'an (18:18) says:

You would have thought them awake, but they were asleep And [God] turned them on their right sides then on their left sides And their dog stretched his forelegs across the threshold

This tender description of the dog guarding the cave makes it clear that the animal is good company for believers. Legal scholars might argue about the proper location of the dog - that he should stay on the threshold of the home, not inside - but home designs vary across cultures. In warm climates, an outdoor courtyard is a perfectly humane place for a dog - its physical and social needs can be met in the yard. This is not the case in cold climates, where people stay indoors most of the day for months at a time.

Extreme concern about the uncleanliness of dogs likely arose historically as Islam became more of an urban phenomenon. In medieval cities, as in modern cities in underdeveloped countries, crowding of people and animals leads to the rapid spread of disease and animal control is not a priority. A few run-ins with an aggressive or diseased animal can result in excessive caution, fear and negativity.

I have long felt badly that many Muslims fear dogs as a result of negative experiences and that they resort to confused religious reasoning to shun them. It is one of the reasons why I try to introduce my students and friends to my very sweet, very large dog Ziggy.

Ziggy came into our home to be like the dog in the cave: to keep company to my child who lies in exile from the world because of a debilitating illness. He has been nothing but a blessing - guarding the house while we sleep, forcing me to exercise daily, and showing us, as he happily follows our tiny cat around the yard, that if cats

and dogs can get along so well, then we people have no excuse.

There is another reason why I love having my dog around. Ziggy came from Tennessee. He was rescued by an animal control officer who uses her own resources to save dogs who would otherwise be destroyed in a few days. Tina saves as many dogs as she can by bringing them home and putting them up for adoption on the internet. When I called Tina to speak about adopting Ziggy, she had 65 dogs she had rescued out in her yard. After being disheartened by some terrible things that have come out of Tennessee lately - mosque burnings and anti-Shari`ah legislation among them - I love looking at Ziggy and thinking about the woman with the thick southern accent and big heart who saved his life.

Muslims and dogs: Is it really just a cultural thing?

Post by: Emraan Vawda[235]

A boil that erupts on the foot does not necessarily mean that one has to rush of to the podiatrist. It could be indicative of a serious imbalance in the blood, which is likely to affect the whole body. When I received a copy of an

[235] An Islamic scholar and Mufti (juriconsult) from Durban, South Africa.

article entitled "What's Up With Muslims and Dogs?"[236] by Ingrid Mattson, I could not help discern the underlying hidden malady that incidentally manifested itself through the topic of Muslims keeping dogs in the home. The brief column is a good example of the common ailment of apologetics coupled with pseudo-scholastics.

The unique feature of traditional Islamic learning is the continuous chain of authorization. A genuine Islamic scholar is tutored for a considerable period under the feet of a master until such time that he/she receives Ijaazah (authorization). The teacher himself or herself must have been similarly authorized. The uninterrupted and verifiable chain of reliable transmitters eventually links up directly with the Messenger of Allah (Sallallahu alayhi wa sallam). It is this unparalleled feature that sets traditional Ulama apart from self styled scholars of Islam. Therefore the following maxim has been repeatedly echoed over the past fourteen centuries:

Had there been no safeguard such as continuous transmission, anyone could have said anything they wished.

The column is a stark example of personal confusion passed off as Islamic academics, supposedly representing the correct position of the religious texts.

[236] http://www.huffingtonpost.com/ingrid-mattson/whats-up-with-muslims-and_b_1144819.html

The writer attempts to transpose the prohibition of keeping dogs in the home from the religious source to a social misunderstanding. It is after all, she argues, just a cultural thing, and has been ignorantly attributed to the Islamic religious texts. In an attempt to urge the reader to "back off from the religious argument", she endeavours to re-interpret the texts. Herein lies the fundamental flaw of her reasoning. No matter how one interprets the religious texts, it is nonetheless an interpretation of religion, which cannot be relabelled as culture. It remains religious, whether or not we agree with such an interpretation.

In order to bolster her theory, she raises the question of the status of dog's saliva. However, the topic under question was whether the prohibition of keeping dogs in the home is based on Islam or culture. The impurity or otherwise of dog's saliva is merely one factor that could influence the real question. There are other reasons why Islam has prohibited the keeping of dogs in the home, as will be elucidated below. Zooming in on the matter to saliva conveniently obscures the topic's broader religious angle.

The writer narrows the topic to the dog's saliva. What she does not tell us is that there are different views within the Maliki school, one being that the saliva is impure. Even if we accept the view within the Maliki school that the saliva is not impure, how do we explain the fact that according to all the Ulama (scholars) within the Maliki school the keeping of dogs as pets is reprehensible. According to the majority of schools, all the dog's body fluids, including sweat, are impure. Two of the four juristic schools view the hair that falls of the dog as impure as well. Muslims' concern about

the purity of their body, clothes and immediate environment can hardly be termed as something cultural. It is precisely a religious issue. This belies the writer's vociferation that Muslims need to back off from the religious argument.

Very strangely, the impurity issue is sort to be downplayed by the ridiculous proposition that those with children at home have impurity all over the place, and they still manage to live with it. I don't know whether this is a cultural thing or not. Maybe in the 'All American Muslim' culture homes with children have impurities spread all over the place. Where I come from, certainly this is the furthest from the truth. The same goes for the majority of Muslims in the world. Yes, with young children there is the occasional mishap which is attended to. Otherwise, the purity within the Muslim is always maintained.

The writer is then compelled to address the reality that the issue of keeping dogs within the home transcends beyond the issue of impurity. It has a spiritual dimension. The Messenger of Allah (Sallallahu alayhi wa sallam) has said:

Whoever keeps a dog; other than the dog for guarding the crops, hunting, or guarding the livestock; looses one Qiraat of reward every day. (Bukhari and Muslim)

In another Hadith (Prophetic saying) Qiraat is described as the reward equivalent to Mount Uhud, a huge mountain outside of Madinah Munawwarah.

Yet another Hadith states:

The angels do not enter the home wherein there are pictures or dogs.
In an attempt to diminish the significance of the Hadith, the writer begins with "If a Muslim accepts this report as authentic…". She suggests that it is a question of personal preference for Muslims to choose certain reports and reject others. In fact the very thread and theme of her article is premised on the approach that she first has her *ad hominem* view on dogs, and then goes cherry picking to the religious texts to suit her own personal conclusions. Anything that comes in the way is re-interpreted or explained away to suit her objectives. This narration appears in the following books of Hadith compilation: Bukhari, Muslim, Thirmithi, Abu Dawood, Nasa'i, Ibn Majah, Ibn Hibban, Baihaqi, Haakim, Tabrani, Ahmad, etc. It has been accepted as authentic by the authorities in the field of Hadith, and therefore there is no "if" that applies here.

The ludicrousness intensifies when the writer suggests that since we cannot receive revelation, this Hadith does not apply to us. The following quotation from Allamah Dimyari succinctly addresses this point.

The angels that do not enter the homes that have a dog or picture within them are those angels that distribute mercies and blessings; and who seek forgiveness on behalf of the Muslims. As far as the recording angels and those instructed to remove the souls at the time of death, they enter all homes. The recording angels do not leave a person under any condition, since they are ordered to write down and preserve all a person's actions. (Hayaatul Hayawaan al Kubra)

Some angels are also deputed to inspire good thoughts into the hearts of Muslims.

If the only function of angels was to convey revelation, then the Hadith would be, in the estimation of the writer, absurd. It would imply that the Messenger of Allah (Sallallahu alayhi wa sallam) is discouraging his followers from the impossible, which is nonsensical. It is preferred that we dismiss the writer as *non compos mentis* than rather even remotely attributing absurdity to the Messenger of Allah (Sallallahu alayhi wa sallam).

The writer then resorts to the oldest trick used by modernists, the fallacious not-found-in-the-Qur'aan argument. She postulates that since there is no negative mention of dogs in the Qur'aan, therefore it is not a religious issue but a cultural one. Like one cannot expect the Constitution of a State to include every law and rule, similarly the Qur'aan does not contain every fine detail. It lays out the principles. In numerous verses we are instructed to follow the Messenger of Allah (Sallallahu alayhi wa sallam), and that is our second source of the detailed laws.

If we had to follow the not-found-in-the-Qur'aan argument, we would not be able to carry out our most basic religious duties. Where in the Qur'aan does it say that we have to perform the midday prayer, at what time, and how many rakaat (units of prayer)? The Qur'aan does not tell us how much Zakaat (compulsory charity) should be discharged. The list can go on infinitely. What the Qur'aan instructs us to do is to follow the Messenger of Allah (Sallallahu alayhi wa sallam). For Muslims, therein is our guidance, and it is here that we locate our attitude towards keeping dogs in the home, not in our culture.

The writer then resorts to utter drivel in order to dramatise her cultural thing hypothesis. She says:

Extreme concern about the uncleanliness of dogs likely arose historically as Islam became more of an urban phenomenon. In medieval cities, as in modern cities in underdeveloped countries, crowding of people and animals leads to the rapid spread of disease and animal control is not a priority. A few run-ins with an aggressive or diseased animal can result in excessive caution, fear and negativity.
I have long felt badly that many Muslims fear dogs as a result of negative experiences and that they resort to confused religious reasoning to shun them.
After acknowledging that there are Prophetic reports on the topic, she still wishes to locate the source in culture and not religion. As Muslim communities urbanised, they had a few run-ins with dogs, which resulted in fear and negativity. This then germinated into "confused religious reasoning". The poor lady is the one who is really confused.

She accepts that there are valid concerns around the purity related to dogs. Muslims are overtly concerned about issues of purity as it is a prerequisite of prayer. She then shifts the entire scenario and implies that it was solely a case of human experience. As if, so to say, there was no religious position on dogs. There existed a pure vacuum. In this vacuum, Muslims of the past had some negative experiences with dogs. The poor souls were in search for some basis on which to shun dogs. They therefore invented a religious dimension in order to give some force to their own negative human experiences. In other words, the religious dimension is a fabrication of the mind, it is a myth and an invention to

pacify human fears. The implication is that the Prophetic reports are something invented by Muslims to give credence to their inner negativity. Concerns around purity are fictions introduced by the jurists. They do not really exist. Those who attribute a religious dimension to the topic do so since they are confused.
The absurdity of her hypothesis is self manifest and does not require an in-depth analysis.

As alluded to above, the discussion goes deeper than the mere issue of dogs. The ruptures generated by this type of article penetrate far beyond the surface, and have the potential of damaging a Muslim's faith. Those brought up in Muslim homes have learnt Islam through observation. Islamic norms and practices were imbibed through experiencing practical Islam. A relatively small fraction of Islamic awareness is attributable to formal Islamic education. Such Muslim have accepted and placed faith in the generally accepted norms and practices of the religious communities in which they were brought up. The overwhelming majority of Muslims would have learnt through experience that Muslims do not, for religious reasons, keep dogs at home. They had hitherto absolute confidence in the general attitude of their religious communities.

Somebody now comes along and claims that the entire Muslim communities were wrong, were all relying on "confused religious reasoning" and were in error in giving it a religious connotation. In reality it was a cultural thing. Muslims were for over a millennium confused and without guidance. In this enlightened age we are able to trace the

real source of their attitudes. It is only now in the 15th Hijri century that we are truly guided and realised the colossal error. With a few more debates of this nature on relatively minor issues, the confidence this Muslim has in his experience of Islam through observation is shattered. His whole community has been proven wrong, and his entire Islamic experience has now been rendered spurious. The issue may be minor – the keeping of dogs – but the implications are catastrophic. My entire Muslim community, including the learned, were ignorant and mislead. We had all along taken such norms and practices for granted. From now on, nothing can be taken for granted. Everything is up for debate, even the most accepted of norms. We need to rethink the whole of Islam as we know it. It is this shattering of confidence and faith that is the most destructive consequence of this exercise aimed at reinventing Islam.

This is not to say that all communal experience must be taken to correctly represent Islam. There are certain cultural practices that have been confused with Islam. However, in this discussion we are dealing with a norm that is universal. Wherever one goes one would experience practicing Muslims abstaining from keeping dogs in the home. The writer now wishes to reverse a fourteen century old position in order to suit her whims.

It is a reality that some Muslims drink liquor, commit adultery, sodomise or abandon the compulsory prayers. As long as they accept these misdeeds to be their own personal weakness, there is hope of repentance and reformation. Salvation is dependent on acknowledgement of our

weaknesses. To some degree or the other we all sin. What is frightening is the recent trend of justifying our sins and weaknesses. Islam is being re-interpreted to suit our own fancies. Guilt is pacified by the re-invention of Islam. Herein lies our self destruction. May Allah Ta'ala save one and all.

What do I do about my sickness?

Q: Can you please send me a wazīfah or zikr to get rid of my kidney infection.

Since a few days, I have pain in my back. I have shown it to many doctors but the treatment is slow. Can you please give me any suggestion on what I should do.

A: We make duā to Allāh Ta'ālā that He grant you complete cure. Amīn.

Allāh Ta'ālā created the human race physically weak. Allāh Ta'ālā says in the Glorious Qurān:

"And man has been created weak"

(Qurān 4:28)

Amongst the signs of man's weakness is his susceptibility to sickness. There are many trivial factors rotating around our life that cause us to become sick. Sometimes a slight change in the weather pattern causes us to remain bedridden for days. At times, the food we consume disrupts our digestive system, resulting in unbearable pain.

It is through the wisdom of Allāh Ta'ālā that we are afflicted with sickness. Allāh Ta'ālā wants us to realize and understand our helplessness and our dependency on Him. When our sight is directed towards the grandeur of Almighty Allāh and towards our own feebleness, we attain the Ma'rifah and recognition of Almighty Allāh, which is a necessary ingredient for true success. Hence, our illnesses are signs that Allāh Ta'ālā intends good for us.

Nabī Sallallāhu Alaihi Wa Sallam has stated:[237]

"When Allāh intends good for someone then He afflicts him."

(Sahīh Al-Bukhārī, Hadīth No. 5645, Dār Tauq An-Najāh)

Furthermore, sickness is a means of clearing ones slate in the court of Almighty Allāh. Man is prone to sin. Hence, Allāh Ta'ālā through His Mercy has organized a natural purifier for the dirt accumulated by committing sins.

Nabī Sallallāhu Alaihi Wa Sallam has said:

"Allāh Ta'ālā forgives a Muslim in lieu of every calamity that afflicts him even though he is pricked by a thorn."

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[٢٣٧] حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، أَخْبَرَنَا مَالِكٌ، عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ، أَنَّهُ قَالَ: سَمِعْتُ سَعِيدَ بْنَ يَسَارٍ أَبَا الحُبَابِ، يَقُولُ: سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُصِبْ مِنْهُ» (صحيح البخاري, رقم الحديث ٥٦٤٥: دار طوق النجاة)

(Sahīh Al-Bukhārī, Hadīth No. 5640: Dār Tauq An-Najāh)[238]

Therefore we come to understand that every aspect of a believer’s life is fruitful, whether he is the target of Allāh’s bounties or he is afflicted by pain and sickness.

Nabī Sallallāhu Alaihi Wa Sallam has stated:

“How strange is the condition of a believer. All of his affairs are fruitful. And this state is only for a believer. If he is put in a good situation he is grateful and this is good for him. And if he is troubled, then he is patient, and that is good for him.”

(Muslim, Hadīth No. 2999:
Dār Ihyā At-Turāth Al-Arabī) [239]

Furthermore, when an individual becomes sick, the most vital point of focus is that the belief in the heart remains correct. The attention should be directed towards Allāh Ta’ālā that He is the only one who can cure.

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[٢٣٨] حَدَّثَنَا أَبُو اليَمَانِ الحَكَمُ بْنُ نَافِعٍ، أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ، قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ، أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، زَوْجَ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «مَا مِنْ مُصِيبَةٍ تُصِيبُ المُسْلِمَ إِلَّا كَفَّرَ اللَّهُ بِهَا عَنْهُ، حَتَّى الشَّوْكَةِ يُشَاكُهَا» (صحيح البخاري, رقم الحديث: دار طوق النجاة)

[٢٣٩] حَدَّثَنَا هَدَّابُ بْنُ خَالِدٍ الْأَزْدِيُّ، وَشَيْبَانُ بْنُ فَرُّوخَ، جَمِيعًا عَنْ سُلَيْمَانَ بْنِ الْمُغِيرَةِ - وَاللَّفْظُ لِشَيْبَانَ - حَدَّثَنَا سُلَيْمَانُ، حَدَّثَنَا ثَابِتٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ صُهَيْبٍ، قَالَ: قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «عَجَبًا لِأَمْرِ الْمُؤْمِنِ، إِنَّ أَمْرَهُ كُلَّهُ خَيْرٌ، وَلَيْسَ ذَاكَ لِأَحَدٍ إِلَّا لِلْمُؤْمِنِ، إِنْ أَصَابَتْهُ سَرَّاءُ شَكَرَ، فَكَانَ خَيْرًا لَهُ، وَإِنْ أَصَابَتْهُ ضَرَّاءُ، صَبَرَ فَكَانَ خَيْرًا لَهُ» (مسلم, رقم الحديث ٢٩٩٩: دار احياء التراث العربي)

The statement of Ibrāhīm Alaihissalām when inviting his father towards Allāh Ta'ālā is a sufficing advise for us. In the Qurān it is stated:

واذا مرضت فهو يشفين (سورة الشعراء, اية ٨٠)

When I become sick, Allāh is the One who cures me.

(Qurān 26:80)

With regards to a wazīfah, make it a habit of reciting the Duā that was recited by Sayidunā Ayūb Alaihissalām when he was afflicted with sickness. The Dua is mentioned in the Glorious Qurān:

رب اني مسني الضر وانت ارحم الراحمين(سورة الانبياء, اية ٨٣)

O my sustainer, pain has afflicted me and You are the most merciful.

(Qurān 21:83)

Rabbe annī massanī adh-dhurru wa anta arhamur rāhmīn

Furthermore, it was the noble practice of Nabī Sallallāhu Alaihi Wa Sallam that whenever he would experience pain, he would recite Surah Al-Falaq and Surah An-Nās, blow on his hands and rub over his body. [240] Insha Allah, through the adherence of this Sunnah, Allah will give you relief and cure.

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٢٤٠ حَدَّثَنِي حِبَّانُ، أَخْبَرَنَا عَبْدُ اللَّهِ، أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ شِهَابٍ، قَالَ: أَخْبَرَنِي عُرْوَةُ، أَنَّ عَائِشَةَ، رَضِيَ اللَّهُ عَنْهَا، أَخْبَرَتْهُ: «أَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ كَانَ إِذَا اشْتَكَى نَفَثَ عَلَى نَفْسِهِ بِالْمُعَوِّذَاتِ، وَمَسَحَ عَنْهُ بِيَدِهِ، فَلَمَّا اشْتَكَى وَجَعَهُ الَّذِي تُوُفِّيَ فِيهِ، طَفِقْتُ أَنْفِثُ عَلَى نَفْسِهِ بِالْمُعَوِّذَاتِ الَّتِي كَانَ يَنْفِثُ، وَأَمْسَحُ بِيَدِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْهُ»(صحيح البخاري, رقم الحديث ٤٤٣٩: دار طوق النجاة)

Along with these wazīfas, continue to consult an expert physician and adhere to his advice.

The visit of Hadhrat Maulana Ibrahim Pandor Sahib (daamat barakatuhum)

Alhamdulillah, the Darul Iftaa was blessed with the visit of Hadhrat Maulana Ibrahim Pandor Sahib (daamat barakatuhum) on Monday 26th December 2011. Hadhrat was accompanied with his associates. Hadhrat is the from amongst the most senior khulafaa (successors) of Hadhrat Mufti Mahmood al-Hasan Gangohi rahimahullah. Hadhrat Maulana (daamat barakatuhum) is from the awliyaa of Allah. He was in the service of Hadhrat Mufti Mahmood al-Hasan Gangohi rahimahullah for over 20 years. He is a master is the science of tazkiyyah. Hadhrat Maulana's visit at the Darul Iftaa was unexpected but was very fruitful and productive.

A question had come on the Dar al-mahmood website asking whether tasawwuf is a bid'ah or not. (Dar al-Mahmood is a website which fields questions and answers on sulook and tazkiyah). Hadhrat Mufti Ebrahim Desai Sahib (Daamat barakaatuhum) had answered the question. He then read aloud the answer in the presence of Hadhrat for Hadhrat to do islaah (rectify) of the answer and to seek the barakah from Hadhrat Maulana Ibrahim Sahib. This was also the practice in the majlis of Hadhrat Mufti

Mahmood al-Hasan Gangohi rahimahullah. His students would come and read their answers on tazkiyyah related issues for correction. Hadhrat Mufti Ebrahim Desai Sahib (daamat barakatuhum) emulating the practice of these illustrious personalities, read his answer unto Hadhrat Maulana Ibrahim Sahib (daamat barakatuhum). The answer is as follows:

The thought that tasawwuf is bi'dah could be due to several reasons. It is possible that some people conduct certain practices against shari'ah in the name of tasawwuf that are obviously wrong. If your father believes that tasawwuf is bidah due to this reason, then he is correct.

The reality of tasawwuf is Tazkiyya (purification) of one's naf's.

We are created from sand, water, fire and air. Each one of these elements reflects a certain character in a person.

Anger is the reflection of fire in a person. Humbleness is the reflection of the sand in person. Water reflex's itself through a person's intelligence. Arrogance is the outcome of the air in person.

In tazkiyya, the focus is to bring a balance in all natural instincts. The purpose is not to eliminate the natural instincts.

Anger and pride are natural. Arrogance and humbleness are also natural instincts. In tazkiyya, the focus is on controlling the natural instincts and avoiding every instinct form exceeding moderation.

Excessive anger is bad. To be humble is praiseworthy. However at times it is inappropriate. All other evils of the nafs flow from these evils.

Tazkiyya of the nafs is one of the missions of Rasulullah (s.a.w).

Allah says,

هُوَ الَّذِي بَعَثَ فِي الْأُمِّيِّينَ رَسُولًا مِنْهُمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ الْكِتَابَ وَالْحِكْمَةَ وَإِنْ كَانُوا مِنْ قَبْلُ لَفِي ضَلَالٍ مُبِينٍ (سورة الجمعة ٢)

"It is He who has sent among the unlettered a Messenger from themselves reciting to them His verses and purifying them and teaching them the Book and wisdom - although they were before in clear error."

When a person does not concentrate in rectifying his soul, he feels uneasy within himself. His family life is in chaos. He has marital problems. His children are disobedient to him. His social life is a burden for him. To a large extent, if one honestly examines himself, he will conclude that he is the problem.

He did not contain his nafs. His problems are the consequences of his nafs. Had he controlled his nafs, the position would be different.

Everyone knows when he is following his nafs. Allah has given everyone an ultra sense to determine that. If one examines his challenges in life honestly, he will conclude that he brought his problems upon himself.

Allah says:

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ (سورة الروم ٤١)

Corruption has appeared throughout the land and sea by [reason of] what the hands of people have earned so He may let them taste part of [the consequence of] what they have done that perhaps they will return [to righteousness].

If one is able to purify his nafs himself well and good. If one cannot do so, he should seek the assistance from a spiritual doctor.

If one is physically sick, he consults a doctor. Similarly; a spiritually ill person should also consult a spiritual doctor to cure his spiritual sickness. If one denies this, his condition will worsen.

A spiritual guide who has undergone spiritual training under a sheikh kamil will apply his skills and expertise in curing one form his spiritual diseases.

A spiritual guide adheres to shariah and the Sunnah and all aspects of shariah. When one sits in his company or hear his talks or listens to his zikr, he feels spiritual enlightenment in his heart. The above is a brief explanation on the philosophy of tasawwuf.

Mufti Sahib asked Maulana Ibrahim Pandor Sahib (daamat barakatuhum) to add to the discussion. He said:

Tasawwuf also comprises of fulfilling the rights of others. By fulfilling the rights of others, it creates a balance. To be conscious of fulfilling the rights is very

important. This will impact husband-wife, employer-employee and seller-purchaser relationship.

One person was addicted to drinking alcohol. He would come home every night drunk. His wife would take him straight to his room and put him to sleep. If anybody came to the house, the wife would say the husband is sleeping. She never disclosed his fault to anybody. The whole night she would make dua to Allah that He grants her husband guidance and hidaayah. A time came when Haji Padia (a famous worker in the effort of da'wat and tabligh) when to his house in gusht and took him. The man disclosed his weakness to Haji Padia rahimahullah. Haji Padia rahimahullah replied,

"We will be in the masjid, you cannot do these things there. If you need to go and drink, don't worry, my car is outside in the car park, you can go there and fulfil your need nobody will come to know."

So this person came the next day to the masjid. He sat in the talk and listened attentively. After that his heart just changed. He did tawbah and performed his missed salaah, gave his outstanding Zakaat and fasts.

So one means of rectification in marital disputes is for the spouse to make dua for the other spouse. Talaaq should never be promoted. It is the most disliked of acts from the permissible acts.

Hadhrat Maulana then gave the following advices:

A student who qualifies from a madrasah has two desires: Iftaa or marriage. The paramount thing is nibaah; we know how to fulfil each others rights. If we have this, then everything will be ok.

The community look up at Muftis. If the Muftis' conducts are well, the community will be well. Once Imam Abu Hanifah rahimahullah was once walking in a slippery path, where a little was slipping and falling down. Imam Abu Hanifah rahimahullah went to help her, so the little girl said to him,

"Do not worry about me. If I slip, I will get hurt, if you slip the whole ummah will slip."

Our Hadhrat (Mufti Mahmood al-Hasan rahimahullah) had alot of foresight. When somebody would come to ask a question, he already knew what was the driving force behind it. He would have the answer ever ready.

Once a person came to Hadhrat and said he was not comfortable with the imam's actions so he stopped performing salaah in the masjid. He repeated his question again and again. Hadhrat responded,

"Review your imaan, think which sin has caused you to be distanced you from the masjid?"

This was a summary of what Hadhrat Maulana Ibrahim Pandor Sahib (daamat barakatuhum) said. Allah give us the ability to practice upon what Hadhrat said. Ameen.

Sub-leasing and going against a lease agreement

Q: I am an Attorney. In South African law the word "usufruct" has a very specific connotation and is used in the law of succession to mean "the fruits" from a property or item bequeathed to an heir with the "usufructuary" being entitled to such "fruits" e.g. rental from a property or the harvest from a farm. 'Habitatio refers to the right to occupy immovable property of the deceased. These terms are not used in relation to Landlord and Tenant. A tenant is entitled to "occupy" immovable property or to take "possession" and "use" of movable items in terms of the relevant Lease or Hire Agreement.

Please elaborate on:

1. How should a tenant be dealt with in the event of a breach of the lease?
2. Is the tenant entitled to sublet the premises?
3. Is the tenant entitled to cede the lease to a 3rd party?

A: We take note of the legal consideration of the word "usufruct" and "habitatio". We also observe the redundancy in your definition… the fruits from a property… being entitled to such fruits. Our use of the word is in the broad literal context. See for reference:

http://dictionary.reference.com/browse/usufruct
http://www.businessdictionary.com/definition/usufruct.html

1. If the lessee contravenes any term of the agreement, the lessor has the right to terminate the lease contract, but no monetary penalty may be due on him.[241]

2. The Tenant is entitled to sub-lease the premises except if the Land lord expressly mentions otherwise.

3. The Tenant is entitled to cede the lease to a 3rd party, buy if the leased asset is used differently by different users, the lessee cannot sub-lease the leased asset except with the express permission of the lessor. If the lessor permits the lessee for subleasing, he may sub-lease it.[242]

NOTE:in point 2 and 3, if the rent claimed from the sub-lesssee is equal or less than the rent payable to the owner/original lessor, all the recognized schools of Islamic

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[241] وحكم أجير الوحد أنه أمين في قولهم جميعا حتى أن ما هلك من عمله لا ضمان عليه فيه إلا إذا خالف فيه والخلاف أن يأمره بعمل فيعمل غيره فيضمن ما تولد منه حينئذ هكذا في شرح الطحاوي (الفتاوى الهندية -ج ٤ – ص ٥٠٠ – مكتبه رشيديه).

فأما إذا أفسد بأن خالف في صفة ما أمر به ذكر أن صاحب الجلد بالخيار إن شاء ترك الخف عليه وضمنه قيمة جلده ، وإن شاء أخذ الخف وأعطاه الأجر فإن ترك الخف عليه وضمنه فلا أجر عليه ، وإن أخذ الخف فإنه يعطيه أجر مثل عمله في خرز الخف غير منعل .(الفتاوى الهندية -ج ٤ – ص ٥١٩ – مكتبه رشيديه)

[242] وَيَجُوزُ اسْتِئْجَارُ الدَّوَابِّ لِلرُّكُوبِ ، وَالْحَمْلِ فَإِنْ أَطْلَقَ الرُّكُوبَ جَازَ لَهُ أَنْ يُرْكِبَهَا مَنْ شَاءَ وَكَذَا إذَا اسْتَأْجَرَ ثَوْبًا لِلُّبْسِ وَأَطْلَقَ ، فَإِنْ قَالَ : عَلَى أَنْ يَرْكَبَهَا فُلَانٌ ، أَوْ يَلْبَسَ الثَّوْبَ فُلَانٌ فَأَرْكَبَهَا غَيْرَهُ ، أَوْ أَلْبَسَ الثَّوْبَ غَيْرَهُ كَانَ ضَامِنًا إنْ عَطِبَتْ الدَّابَّةُ ، أَوْ تَلِفَ الثَّوْبُ ، وَكَذَلِكَ كُلُّ مَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَأَمَّا الْعَقَارُ وَمَا لَا يَخْتَلِفُ بِاخْتِلَافِ الْمُسْتَعْمِلِ فَإِذَا شَرَطَ فِيهِ سَاكِنًا فَلَهُ أَنْ يُسْكِنَ غَيْرَهُ ، فَإِنْ سَمَّى قَدْرًا ، أَوْ نَوْعًا يَحْمِلُهُ عَلَى الدَّابَّةِ مِثْلُ أَنْ يَقُولَ خَمْسَةُ أَقْفِزَةٍ حِنْطَةً فَلَهُ أَنْ يَحْمِلَ مَا هُوَ مِثْلُ الْحِنْطَةِ فِي الضَّرَرِ أَوْ أَقَلُّ كَالشَّعِيرِ وَالسِّمْسِمِ (مختصر القدوري – ص ٣٧٥ – ادارة القران و العلوم الاسلامية)

jurisprudence are unanimous on the permissibility of the sub-lease. However, the opinions are different in case the rent charged from the sub-lessee is higher than the rent payable to the owner. Imam Abu Hanifah is of the view that the surplus received from the sub-lessee in this case is not permissible for the sub-lessor to keep and he will have to give the surplus in charity. However, if the sub-lessor has developed the leased property by adding something to it or has rented it in a currency different from the currency in which he himself pays rent to the owner/the original lessor, he can claim a higher rent from his sub-lessee and can enjoy the surplus.[243]

Greeting "Merry Christmas"

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[٢٤٣] الباب السابع في إجارة المستأجر الأصل عندنا أن المستأجر يملك الإجارة فيما لا يتفاوت الناس في الانتفاع به . كذا في المحيط .ومن استأجر شيئا فإن كان منقولا فإنه لا يجوز له أن يؤاجره قبل القبض ، وإن كان غير منقول فأراد أن يؤاجره قبل القبض فعند أبي حنيفة وأبي يوسف رحمهما الله تعالى - يجوز وعند محمد رحمه الله تعالى لا يجوز كما في البيع وقيل إنه في الإجارة لا يجوز بالاتفاق وفي البيع اختلاف هكذا في شرح الطحاوي . وإذا استأجر دارا وقبضها ثم آجرها فإنه يجوز إن آجرها بمثل ما استأجرها أو أقل ، وإن آجرها بأكثر مما استأجرها فهي جائزة أيضا إلا إنه إن كانت الأجرة الثانية من جنس الأجرة الأولى فإن الزيادة لا تطيب له ويتصدق بها ، وإن كانت من خلاف جنسها طابت له الزيادة ولو زاد في الدار زيادة كما لو وتد فيها وتدا أو حفر فيها بئرا أو طينا أو أصلح أبوابها أو شيئا من حوائطها طابت له الزيادة (الفتاوى الهندية– ج ٤ – ص ٤٢٥ - مكتبه رشيديه)

(احسن الفتاوى – ج ٧ – ص ٣٠٢ – ايج ايم سعيد)

Q: Is it permissible for Muslims to greet/wish their christian neighbours, colleagues, etc. on Christmas day? e.g " have a good day; enjoy your day" without mentioning Christmas.

A: It is not permissible to greet nor wish ones Christian neighbours or colleagues well on Christmas day whether one had mentioned the actual festivity, "Happy Christmas" or not as it is automatically understood from the context that the festivity is of "Happy Christmas".

The Fuqahaa (Jurists) have stated that there is a fear of one losing his Eemaan if one wishes the adherents of other faiths well in their festivities as that is an expression of complacency towards Kufr.

Displaying good character to non- Muslims does not mean one should compromise in his Islamic values.

"Happy New Year!"

Pre-Historic Calendar

The New Year is one of the oldest festivals of the world, dating back to the pre historic era. The New Year History itself forms an extensive area of study. The history of New Year has undergone a series of changes over the ages to achieve its global form. The urge of celebrating New Year as a vibrant festivity emerged at the dawn of civilization.

At present, New Year is celebrated on January 1 and it had been an essential part of the cultural and traditional practices of the different communities inhabiting the world. The wide spread acceptance of January 1 as the New Year is confined only within the past four hundred years. Therefore, this is the principal reason that the New Year traditions vary from country to country.

The earliest instance of New Year is found in Mesopotamian culture. It was about 2000 BC, when the people of Babylon used to observe New Year celebrations on the day of the Vernal Equinox that is during the middle of March. It was the Romans, who recognized March 1, 153 B.C as New Year Day in their calendar. Prior to that March 25, the date of the vernal equinox, was celebrated as their New Year's Day. And this was considered to be the beginning of New Year by most Christian European countries during the early medieval era.

At that time there were only ten calendar months beginning from March. The relevance of this fact can still be seen in the names of some months, which were set according to their respective sequences in the calendar. As in the calendar of the present time, the months from September to December are placed as the ninth, tenth, eleventh and twelfth months respectively, previously they were positioned as the seventh, eighth, ninth and the tenth months. In Latin, 'Septem' means, seven, 'Octo' means, eight, 'Novem' means, ninth and 'Decem' means ten.

New Year

The Israeli term for New Year's night celebrations, "Sylvester," was the name of the "Saint" and the Roman Pope who reigned during the Council of Nicaea (325 C.E.). The year before the Council of Nicaea convened, Sylvester convinced Constantine to prohibit Jews from living in Jerusalem. At the Council of Nicaea, Sylvester arranged for the passage of a host of viciously anti-Semitic legislation. All Catholic "Saints" are awarded a day on which Christians celebrate and pay tribute to that Saint's memory. December 31 is Saint Sylvester Day - hence celebrations on the night of December 31 are dedicated to Sylvester's memory.

It was in the Gregorian calendar established by Pope Gregory XII that the New Year was firmly positioned on January 1. It was readily accepted by the Catholics and then by the Protestants and soon became a holiday recognized by the entire world slowly and steadily.[244]

Advice:

It is apparent from the history of New Year that it is traced back to the beliefs of the pagans and their gods and Christian motivations. A muslim is sensitive to his Iman. He is averse to anything that is contrary to his

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[244] http://www.infoplease.com/spot/newyearhistory.html
http://www.theholidayspot.com/newyear/history.htm
http://www.123newyear.com/history/
http://www.goalsguy.com/events/n_facts.html

Iman. Celebrating New Year of the Gregorian calendar has its roots in shirk and Christianity. It is therefore not permissible for a muslim to celebrate New Year or wish others Happy New Year. Furthermore, it is a norm for people to celebrate the end of the year and welcome the New Year through music, dancing wining etc. It does not behold a muslim to be in such an environment especially when celebrating New Year has its roots in kufr and shirk. For us as muslims, we are in the month of Safar, the second month of the lunar calendar 1433H. The 31st of December or the 1st of January is just another day of our lives. We should guard and protect ourselves from the influences of kufr, shirk and sins.

Sleeping partnership

Q: I and a friend (another Muslim brother) in partnership are currentlyconducting business with a person. He can be regarded as the franchisor andus the franchisee.

From the outset he (franchisor) was aware of the fact thatI will be the so-called sleeping partner in that I would not be running thebusiness but would be responsible for the administration (payments tosuppliers, banking, etc) thereof, so much so that when huge capital amountswere initially outlaid the 'franchisor' contacted me for these payments,etc.

Prior to the opening of this business, when renovations, etc wereundertaken, my business partner was liaised with. After the commencement ofour business, unfortunately, my

business partner, according to the'franchisor' is not competent to run this business. However, I have no doubtin my partner's ability to successfully run this business. A meeting was heldbetween the three of us and the 'franchisor' rather rudely suggested that ifit means that I must run the business then so be it(I must run thebusiness).

I explained to him that I am a sleeping partner meaning that myduties are the administration (payments to suppliers, banking, payments ofwages/ salaries, etc.) of this business. I mean each one of us two havedefined roles to play in this business. To the extent that I told the'franchisor' that for payments you must contact me but if you have acomplain as far as the successful running of the business is concerned,he('franchisor') needs to talk to my partner. But I have no problemhim ('franchisor') having a meeting with both of us(partners) to discuss hisunhappiness regarding any component of our business(running of it or theadmin part of it).

Unfortunately he(franchisor) stopped liaising with me butnow liaises with my partner, to the extent that he tells my business partnerto convey to me what amounts are to be paid and to whom it must be paid andby when it must be paid. I don't have a problem with him liaising with mypartner for my partners role in the business (as explained above – therunning of the business, ordering of stock, stock levels) but I don't thinkit is correct for him to convey messages to me via my partner for my role inthe business.

I find this very, very unfair. I humbly request Mufti Saheb toclarify as to what is correct and to advice.

A: A sleeping partner in a Musharakah (joint venture) is he who merely makes a capital contribution and expects a profit on his capital contribution. He does not take part in any aspect of the business, whether it is the running of the business or merely doing finance administration. In your case, you are an active partner as you are tasked with administrating the finance. You are thus an active partner.You are not a sleeping partner.

The implication of being an active partner is he could take a profit percentage more than his percentage of capital contribution if that was mutually agreed upon. In the case of a sleeping partner, the profit percentage cannot exceed the percentage of the capital contribution.

If there was an arrangement that the franchisor was to communicate with you regarding payment and he does not keep to that, you should address this with your partner and advise him to direct the franchisor to you. Explain him you will be more comfortable if the franchisor communicates with you directly regarding your responsibilities.[245]

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[٢٤٥] (الْفَصْلُ الثَّالِثُ فِي شَرِكَةِ الْعِنَانِ) تَنْعَقِدُ عَلَى الْوَكَالَةِ دُونَ الْكَفَالَةِ وَهِيَ أَنْ يَشْتَرِكَ اثْنَانِ فِي نَوْعِ بُرًّا أَوْ طَعَامًا ، أَوْ يَشْتَرِكَا فِي عُمُومِ التِّجَارَاتِ وَلَا يَذْكُرُ الْكَفَالَةَ وَيَصِحُّ التَّفَاضُلُ فِي الْمَالِ لِلْحَاجَةِ ، وَيَصِحُّ أَنْ يَتَسَاوَيَا فِي الْمَالِ وَيَتَفَاضَلَا فِي الرِّبْحِ ، وَيَجُوزُ أَنْ يَعْقِدَهَا كُلُّ وَاحِدٍ مِنْهُمَا بِبَعْضِ مَالِهِ دُونَ الْبَعْضِ ، وَلَا تَصِحُّ إلَّا بِمَا تَصِحُّ بِهِ الْمُفَاوَضَةُ ، وَمَا اشْتَرَاهُ أَحَدُهُمَا لِلشَّرِكَةِ طُولِبَ بِثَمَنِهِ دُونَ الْآخَرِ ثُمَّ يَرْجِعُ عَلَى شَرِيكِهِ بِحِصَّتِهِ إنْ أَدَّى مِنْ مَالِ نَفْسِهِ ، فَإِنْ كَانَ لَا يُعْرَفُ ذَلِكَ إلَّا بِقَوْلِهِ فَعَلَيْهِ الْحُجَّةُ وَإِذَا هَلَكَ مَالُ الشَّرِكَةِ ، أَوْ أَحَدُ الْمَالَيْنِ قَبْلَ أَنْ يَشْتَرِيَا شَيْئًا بَطَلَتْ الشَّرِكَةُ وَأَيُّهُمَا هَلَكَ هَلَكَ مِنْ مَالِ صَاحِبِهِ إنْ هَلَكَ فِي يَدِ صَاحِبِهِ فَظَاهِرٌ ، وَكَذَلِكَ إنْ كَانَ فِي يَدِ الْآخَرِ ؛ لِأَنَّهُ أَمَانَةٌ فِي يَدِهِ بِخِلَافِ مَا بَعْدَ الْخَلْطِ حَيْثُ يَهْلِكُ عَلَى الشَّرِكَةِ (مجمع الضمانات – ج ٢ – ص ٦٣٩ – دار السلام)

Free thinking vs Correct analogy in Shariah

Q: I am deeply concerned with the advice given to fellow Muslims about talaaq. A lot of questions state that the husband said talaaq thrice in anger and the answer given was is that the marriage is over. Talaaq is a very sensitive issue and a simple yes or no answer is not enough. Many scholars have different opinions about this and this should be mentioned to all the people who ask talaaq questions and all the Ahadith and Aayaat should be mentioned, not just a few that support the student/ mufti's opinion.

I have researched enough to find out that Allah does not take thoughtless oaths seriously and talaaq is also considered an oath. Also, everyone gets angry, and when this happens, words and reasoning can't be taken seriously as anger makes people insane to extreme levels. So talaaq given in anger is a thoughtless and insane oath. Also, many scholars mentioned a Hadith from Hazrat Abu Bakr *radhiallahu anhu* stating that talaaq given thrice at any one time is counted as one talaaq.

My personal opinion is that if a person is not sane, then how can the talaaq from such a person in that state be taken seriously! I feel it is common sense. Allah hates divorce and it cannot be that easy to get done. Majority of people say things in anger and if everyone took these words seriously, we would not have families or a society etc.

A: We have analyzed your email and understand that you are expressing your opinions rather than asking a query. While your concern for the Ummah and sincerity is appreciated, the fact of matter is that concern for the

Ummah must be addressed through the channels of Shariah; Quran, Ahādīth, Ijmā' and Qiyās.

Qiyās is the science of analogy which has its defined rules in Shariah. It is only when the rules are correctly applied that the outcome will be valid. Not all analogies are valid and accepted. Before we destruct **your analogy of talāq on oaths** and **anger on insanity**, we hereby present a brief to you about the rules of analogy in Shariah.

An analogy (*qiyās*) is conducted to search for a ruling about an issue which is not expressly mentioned in the Quran or Ahādīth.[246] *Qiyās* (analogical deduction) linguistically means to evaluate and examine one thing based on another.[247] [248] In the terminology of *Usūl ul fiqh,* it is applying the ruling of an *Asl* to a *Fara';* the *Asl* refers to a known ruling and the *Fara'* refers to an unknown ruling. [249] [250]

In the science of analogy, the *illah* (effective cause) of the *Asl* is derived and the *Fara'* is analyzed to see if it fits all the

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[246] اصطلاحاً: إبانة حكم لحادثة ليس لها حكم من الكتاب أو السنة أو الإجماع بمثلها ثبت لها حكم بنصٍ أو إجماع لعلّة تجمع بينهما (المدخل إلى الفقه الإسلامي وأصوله, ص.٨٨, جامعة آل البيت)

[247] لغة: تقدير الشيء على مثاله، فيقال: قس الشيء بغيره، وعلى غيره، (سبيل الوصول إلى علم الأصول, ص.١٤٨, دار الفرقان)

[248] لغة: مصدر قاس، فقاسه بغيره وعليه يقيسه قياساً واقتاسه قدره على مثاله فانقاس (المدخل إلى الفقه الإسلامي وأصوله, ص.٨٨, جامعة آل البيت)

[249] الحاق مالم يرد في بيان حكمه نص من الكتاب او السنة و لا الاجماع, بامر منصوص على حكمه في احد هذه الاصول الثلاثة لاشتراكهما في علة الحكم (الموجز في اصول الفقه, ص.٢٤٣, دار السلام)

[250] فَإِنَّهُ تَعْدِيَةُ الْحُكْمِ مِنْ الْأَصْلِ إلَى الْفَرْعِ بِعِلَّةٍ مُتَّحِدَةٍ (التوضيح في حل غوامض التنقيح, ص.١٧٩)

characteristics of the *Asl* in order to determine whether the ruling of the *Asl* can be extended to the *Fara'* or not. There are many laws that govern the science of *Qiyās*.

There are four components of *Qiyās*:

1. ***Asl:*** This is an issue proven from the Quran, Ahādīth or *Ijmaa* (consensus)
2. ***Fara':*** This is a new issue not found in the Quran, Ahādīth or *Ijmaa*
3. ***Illah:*** The cause of the ruling of the *Asl*.
4. ***Hukm:*** The ruling given for the *Fara'* based on the *Asl* after conducting the *Qiyās*.

There are 5 conditions for a *Qiyās* to be valid.

1. The *Qiyās* cannot oppose a *nas* (express decree) :

Example: Can a woman travel with a group of women based on the analogy that she can travel with a mahram? Just as she is safe with a mahram, she is also safe with other women. This analogy is invalid as the prohibition of a woman travelling without a mahram is expressly stated in the Hadīth. [251] One therefore cannot apply any analogy on a woman travelling without a mahram.

2. The *Qiyās* should not change the ruling of anything proven from the *nas*:

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[٢٥١] لا يحل لامرأة تؤمن بالله و اليوم الاخر ان تسافر فوق ثلاثة ايام و لياليها الا و معها ابوها او زوجه او ذو محرم منها

Example: There are four body parts that must be washed during wudhu; the arms, face, head and feet. This is based on the verse of the Holy Quran.[252] Therefore, to analogize wudhu on tayammum and say that niyyah is also compulsory in wudhu as it is in tayammum is incorrect. This is because adding the compulsion of niyyah to wudhu will be adding on the *nas*[253]which is impermissible.

3. The *Asl* should not be contrary to *Qiyās* (*Amre ta'abbudi/ khilāfe qiyās)*:

Example: If a person laughs aloud in salah, both his salah and wudhu will break and he will have to perform wudhu and salah again. We can understand the salah breaking, but why does the wudhu break? This is 'contrary to *Qiyās*'- we cannot understand the reasoning behind it; but we accept it as this is the ruling mentioned in the *nas*.[254]Now, if someone backbites or sings in salah, can we analogize these issues on laughing in salah and conclude that backbiting and singing breaks one's wudhu aswell? This analogy is incorrect as the ruling of wudhu breaking due to laughing is illogical. This cannot serve as an *Asl* for the other issues.

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[٢٥٢] يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

[٢٥٣] يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ

[٢٥٤] عَنْ مَعْبَدٍ الْجُهَنِيِّ , قَالَ: كَانَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يُصَلِّي الْغَدَاةَ فَجَاءَ رَجُلٌ أَعْمَى وَقَرِيبٌ مِنْ مُصَلَّى رَسُولِ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بِئْرٌ عَلَى رَأْسِهَا جُلَّةٌ , فَجَاءَ الْأَعْمَى يَمْشِي حَتَّى وَقَعَ فِيهَا , فَضَحِكَ بَعْضُ الْقَوْمِ وَهُمْ فِي الصَّلَاةِ , فَقَالَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بَعْدَمَا قَضَى الصَّلَاةَ: مَنْ ضَحِكَ مِنْكُمْ فَلْيُعِدِ الْوُضُوَّ وَلْيُعِدِ الصَّلَاةَ (سنن الدارقطني, ج.١, ص.٣٠٧, مؤسسة الرسالة)

4. The *illah* in the *Qiyās* should be based on a Sharī ruling, not a linguistic matter:

Example: The linguistic meaning of 'Hajj' is to travel. To say that it is compulsory for a person to do 'Hajj' (go to a certain place other than Makkah…) if he has enough money and the means to go is incorrect. It is incorrect because in the light of Shariah, only the journey to Makkah in the months of Hajj with the intention of performing Hajj is called 'Hajj'. All other journeys do not fall under Shariah's definition of Hajj.

5. The ruling of the *Fara'* should not be mentioned in the *nusūs*[255]*:*

Example: Allah Taʿālā instructs the believers in the Holy Quran not to come close to salāh after they have drunk alcohol. For a person to use this verse to say that it is permissible to drink alcohol before salah will be incorrect because Allah has prohibited alcohol as whole in another place in the Holy Quran.

Please note that the above five conditions are general conditions. Each of the components (Asl, Fara', Hukm and Illah) all have certain requirements and conditions that must be fulfilled.

Below is an illustration to demonstrate the correct use of Qiyās:

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[٢٥٥] اصول الشاشي, ص.٢٥٧, دار الفرفور

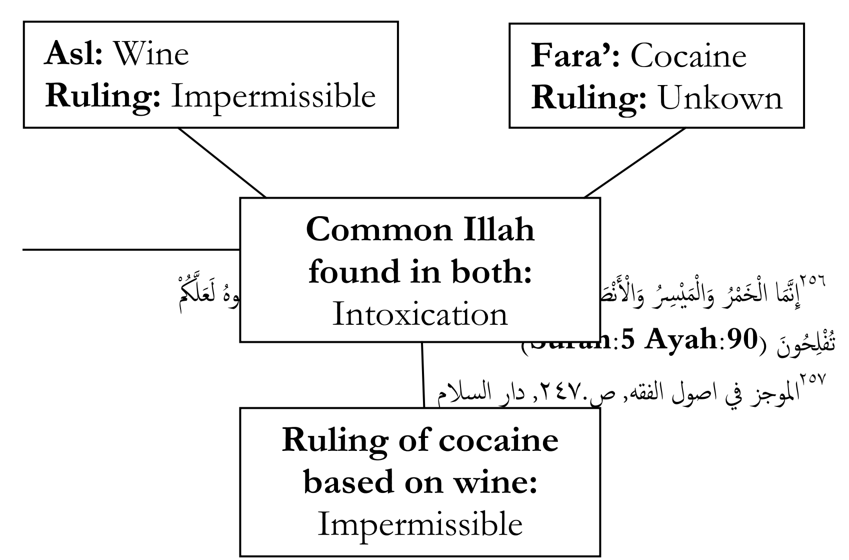
Example of *Qiyās*

Hypothetical question posed: What is the ruling for taking cocaine?

After searching through the *nusūs* (Qurān and Ahādīth), we realise that there is no explicit ruling regarding cocaine. We now need to deduce the ruling of cocaine in Shariah. We analyze some of the characteristics of cocaine to determine the closest example of it in Shariah.

Further research into the issue shows us that one of the characteristics of cocaine is that it intoxicates. This characteristic is also found in wine which is proven to be impermissible from the *nusūs*[256].

So… The jurists take the ruling of wine (impermissibility) and apply it to cocaine.[257]



[256] إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَ ... وهُ لَعَلَّكُمْ تُفْلِحُونَ (**Surah**:5 **Ayah**:90)

[257] الموجز في اصول الفقه, ص.٢٤٧, دار السلام

The above is just a basic example of *qiyās*. You have unfortunately analogized talaaq with a thoughtless oath and given talaaq the same ruling as a thoughtless oath. This analogy is incorrect as the analogy violates the first condition of *Qiyās;* there are *nusūs* about talaaq[258] [259] [260] therefore *Qiyās* cannot be conducted.[261]

[٢٥٨] عَنْ مَحْمُودَ بْنَ لَبِيدٍ، قَالَ: أُخْبِرَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيقَاتٍ جَمِيعًا، فَقَامَ غَضْبَانًا ثُمَّ قَالَ: أَيُلْعَبُ بِكِتَابِ اللَّهِ وَأَنَا بَيْنَ أَظْهُرِكُمْ؟(سنن النسأى, ج.٦,ص.١٤٢, مكتب المطبوعات الإسلامية)

[٢٥٩] عَنْ نَافِعٍ قَالَ: قَالَ ابْنُ عُمَرَ: مَنْ طَلَّقَ امْرَأَتَهُ ثَلَاثًا، فَقَدْ عَصَى رَبَّهُ، وَبَانَتْ مِنْهُ امْرَأَتُهُ (مصنف ابن ابي شيبة, ج.٤, ص,٦١, مكتبة الرشد)

[٢٦٠] وَقَالَ اللَّيْثُ: حَدَّثَنِي نَافِعٌ، قَالَ: كَانَ ابْنُ عُمَرَ، إِذَا سُئِلَ عَمَّنْ طَلَّقَ ثَلاَثًا، قَالَ: لَوْ طَلَّقْتَ مَرَّةً أَوْ مَرَّتَيْنِ، فَإِنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَمَرَنِي بِهَذَا، فَإِنْ طَلَّقْتَهَا ثَلاَثًا حَرُمَتْ حَتَّى تَنْكِحَ زَوْجًا غَيْرَكَ (صحيح البخاري, ج.٧, ص.٤٣, دار طوق النجاة)

[٢٦١] أَحدهَا أَن لَا يكون فِي مُقَابلَة النَّص (اصول الشاشي, فصل شُرُوط صِحَة الْقيَاس خَمْسَة, ص.١٩٦, دار الكتب العلمية)

Rasulullah *sallallahu alaihi wasallam* is reported to have said:

عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: ثَلَاثٌ جَدُّهُنَّ جَدٌّ، وَهَزْلُهُنَّ جَدٌّ: النِّكَاحُ، وَالطَّلَاقُ، وَالرَّجْعَة[٢٦٢]

Translation: Rasulullah *sallallahu alaihi wasallam* said: "There are three things which, whether undertaken seriously or in jest, are treated as serious: Marriage, divorce and taking back a wife."

We do not understand how you came to the conclusion that talaaq is a thoughtless oath; because it is not even an oath to start off with; it is a statement. Nevertheless, we assume that you are referring to *yameene laghw* 'thoughtless oath'. There are numerous concerns and problems that emerge from this analogy.

If talaaq was given the same ruling as a thoughtless oath and regarded as invalid, then we would face the same problem that the women faced in the time of Jahiliyyah. A husband could have the power issue a divorce whenever he wants to and could then revoke it saying that he didn't mean it.

عَنْ عَائِشَةَ قَالَتْ: كَانَ النَّاسُ وَالرَّجُلُ يُطَلِّقُ امْرَأَتَهُ مَا شَاءَ أَنْ يُطَلِّقَهَا، وَهِيَ امْرَأَتُهُ إِذَا ارْتَجَعَهَا وَهِيَ فِي العِدَّةِ، وَإِنْ طَلَّقَهَا مِائَةَ مَرَّةٍ أَوْ أَكْثَرَ، حَتَّى قَالَ رَجُلٌ لِامْرَأَتِهِ: وَاللَّهِ لَا أُطَلِّقُكِ فَتَبِينِي مِنِّي، وَلَا آوِيكِ أَبَدًا، قَالَتْ: وَكَيْفَ ذَاكَ؟ قَالَ: أُطَلِّقُكِ، فَكُلَّمَا هَمَّتْ عِدَّتُكِ أَنْ تَنْقَضِيَ رَاجَعْتُكِ، فَذَهَبَتِ المَرْأَةُ حَتَّى دَخَلَتْ عَلَى عَائِشَةَ فَأَخْبَرَتْهَا،

[٢٦٢] سنن أبي داود, ج.٢, ص.٢٥٩, المكتبة العصرية

فَسَكَتَتْ عَائِشَةُ، حَتَّى جَاءَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَخْبَرَتْهُ، فَسَكَتَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، حَتَّى نَزَلَ الْقُرْآنُ: الطَّلَاقُ مَرَّتَانِ فَإِمْسَاكٌ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ[٢٦٣]

Translation: Hazrat Aisha *radhiallahu anha* narrates that a person would give his wife however many *talāq's* he wished and she would still be considered his wife if he took her back into his marriage even if he divorced her a hundred times or more. Until the extent that one man told his wife "I swear that I will put you in such a situation wherein you won't separate from me and I won't approach you ever." She inquired "How do you intend to do that?" He said "I will divorce you. Then whenever your *iddah* (waiting period) is close to finishing, I will take you back into my marriage and I will constantly keep on doing this.

So this woman went to Hazrat Aisha *radhiallahu anha* and explained the situation to her. Hazrat Aisha remained silent until Nabi *sallallahu alaihi wasallam* arrived and she informed him. Nabi *sallallahu alaihi wasallam* also remained silent and did not say anything. Then Allah revealed the verse of the Holy Qurān "*Talāq* is twice (after which one can take his wife back into his marriage). Then either keep your wife in a good manner or release her amicably."

This was a practice from the time of the days of *Jāhiliyyah* (ignorance) as stated in *Tafsīr al Tabarī* .[264] What this

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[٢٦٣] صحيح مسلم, ج.٣, ص.٤٨٩, مطبعة مصطفى البابي الحلبي

[٢٦٤] ذكر من قال إن هذه الآية أنزلت لأن أهل الجاهلية وأهل الإسلام قبل نزولها لم يكن لطلاقهم نهاية تبين بالانتهاء إليها امرأته منه ما راجعها في عدتها منه، فجعل الله تعالى ذكره لذلك حدًّا، حرَّم بانتهاء الطلاق إليه على الرجل امرأتَه المطلقة، إلا بعد زوج، وجعلها حينئذ أملك بنفسها منه عن هشام بن

effectively means is that a husband could have control over his wife for as long as he wants.
He could just divorce her when he felt like it and stop her from marrying anyone else by taking her back into his marriage. He would make her life miserable because he would not have marital relations with her and he would not let her go. She would remain in this 'hanging' state as long as he wanted.
When the Prophet *Sallallahu alaihi wasallam* was asked about it, the above mentioned verse was revealed ordaining that a man has a maximum of two chances. If he gives her a third *talāq,* he cannot take her back. This is for the ease and consideration of the wife as much as it is for the man. On the other side, regard the talaaq to be valid and observe the restraint and cautiousness in men when uttering talaaq. This inadvertently gives respect and protection to women.

If talaaq is regarded as a thoughtless oath, a husband will keep on issuing divorces and he will not be sanctioned with the loss of his wife. On the other hand, the wife will be forced to live a life of suspense; she will be a wife in theory but in reality she is neither here nor there. This is the absurd conclusion that would emerge if we accepted your erroneous analogy of talaaq on a thoughtless oath.

عروة، عن أبيه قال: كان الرجل يطلق ما شاء ثم إن راجع امرأته قبل أن تنقضي عدتها كانت امرأته، فغضب رجل من الأنصار على امرأته، فقال لها: لا أقربُك ولا تحلّين مني. قالت له: كيف؟ قال: أطلّقك، حتى إذا دنا أجلك راجعتك، ثم أطلقك، فإذا دنا أجلك راجعتك. قال: فشكت ذلك إلى النبي صلى الله عليه وسلم، فأنزل الله تعالى ذكره:" الطلاق مرتان فإمساك بمعروف"الآية. (تفسير الطبري, سورة البقرة, اية.٢٢٩, مؤسسة الرسالة)

Another problem with giving talaaq the same ruling as a thoughtless oath is that a thoughtless oath has nothing to do with another person. It is limited to oneself; whereas the laws and rulings of talaaq are extended to another person; a man's wife.

An additional aspect that you have overlooked is that a 'thoughtless' oath is only one type of oath. There are two other oaths that a person **WILL** be held responsible for; *yameene ghamoos* and *yameene mun'aqidah*. However, this is not the time to delve into this because the analogy of talaaq on a thoughtless oath is flawed and erroneous from the beginning.

You have also made *Qiyās* of anger on insanity. From the principle, theoretical and academic angle, your analogy of anger on insanity is incorrect. This is because the fundamental requisite for extending a ruling from the *Asl* to the *Fara'* is that the *Asl* and *Fara'* must share a common cause *(illah muttahidah)*; which is non-existent in this scenario rendering the *Qiyās* incorrect from the outset. Furthermore, there are a number of inconsistencies with this analogy. Being in the state of anger doesn't justify an act. For example, if a person shoots and kills someone out of anger, he cannot justify his murder by saying "I did it because I was angry, if I was in the right state of mind I wouldn't have pulled the trigger." The same applies for what we say with our tongues. Just because we are angry at the moment of uttering something doesn't mean the ruling won't be applied.

Insanity is when a person is mentally unstable to such an extent that he cannot distinguish or differ between fantasy and reality, between right and wrong, between good and bad. It is the result of a person being mentally deficient. Anger, on the other hand is caused by destructiveness, grandiosity, selfishness, vengeance, hurtfulness, and unjust blaming. In a marriage, it is when a spouse expresses dispassion, evasiveness and ineffectualness along with the previously mentioned things. It is when one doesn't have his priorities in the right order and acts impulsively knowing the consequences but deciding to overlook them to express ones feelings.
Aisha *radhiallahu anha* narrates that Rasulullah *sallallahu alaihi wasallam* said:

" رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ: عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنِ الصَّغِيرِ حَتَّى يَكْبَرَ، وَعَنِ الْمَجْنُونِ حَتَّى يَعْقِلَ"[٢٦٥]

Translation: "The pen has been lifted from three persons; from a sleeping person until he awakes, from a young immature person until he grows up and from an insane person until he regains his sanity."

The reason *(illah)* as to why these three people are not held accountable for what they do or say is because they have no control over what they do or say. They cannot differentiate between right and wrong, between harmful and safe. The same cannot be said for an angry person. An angry person generally has full control over what he does or says; the only

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[٢٦٥] سنن ابن ماجه, ج.١, ص.٦٥٨, دار إحياء الكتب العربية

issue is that his anger might cause him to make rash decisions.

The point being made is that there is a fundamental difference between insanity and anger. They are not the same thing and one cannot be used interchangeably. Inevitably, the amount of anger one has differs from person to person, but Allah has given every sane person the ability to control their anger, or better still to control what they do and say when they are angry. All anger is either justified or unjustified; however one alone bears the sole responsibility of how it is expressed regardless of the cause and extent of it.

The *Fuqahā* have taken into consideration the fact that there are some people that get angry to such an extent that they do not know or have control over what they are doing or saying in this state of anger. The rulings for such a person are different from a normal person. The challenge in such a claim is to determine whether the person is indeed insane or not. The *Fuqahā* have stated that there are more than 70 categories of insanity. To fit a person into one of these and thereafter apply the ruling is no easy job.

The aforementioned rules and conditions of *Qiyās* are just the basics that a student learns in the second or third year of a six to seven year Aalim course. There are numerous other issues and conditions that must be learnt, applied and taken into consideration before *Qiyās* can be correctly implemented.

Advice

Allah Taʿālā states in the Holy Quran:

وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ

"And we have raised some people above others in rank."

(Qur'an 43/32)

Allah Taʿālā has bestowed different people with different qualities, abilities and virtues. Some people excel in law whereas others excel in sociology. Some are well versed in poetry whereas others are skilled surgeons and doctors. Some are professional chefs and others are professional footballers. Similarly, some people choose to study and pursue Islamic knowledge; the Quran, Ahādīth and Islamic jurisprudence and excel in their chosen field. There is no one person who can do everything.

Allah Taʿālā instructs us in the Holy Quran:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

"And ask the people of knowledge if you do not know."

(Qur'an 16:43)

When a person requires medical attention, he consults a physician. He cannot pretend to be a physician and treat himself. In that instance, he will remain sick and his health may deteriorate. This is something that everyone understands. Furthermore, if a competent physician diagnoses the sickness, the patient places his trust in the physician and acknowledges his expertise. Will it be correct for the patient to object to the physicians' diagnosis? It is

understood if an equally or more highly qualified physician disagrees. That is a disagreement based on qualifications. It is an academic disagreement; which is appreciated. The disagreement of an ignorant person pretending to be qualified is not appreciated.

Similarly, in issues of religion and religious verdicts, one should be humble, honest and act responsibly.

Allah Taʿālā states in the Holy Quran:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

"And ask the people of knowledge if you do not know."

(Qur'an 16:43)

Three points are illustrated in this verse:

1. The word فَاسْأَلُوا suggests that if he does not know, he should humble himself and acknowledge the fact that he does not know. Don't pretend to know.
2. The words إِنْ كُنْتُمْ لَا تَعْلَمُونَ suggest that one should be honest in his conclusion of not knowing.
3. The words أَهْلَ الذِّكْرِ suggest that one should act responsibly and refer to people of knowledge.

Religious verdicts are a result of following certain disciplinary rules and codes. A correct verdict is measured with the disciplinary rules applied in arriving to its conclusion. If the road travelled on (principles) is correct, the destination (verdict) will be realised. There must be consistency between the principles *(usool),* application and its

verdict. Being short of anything in this will be academic gymnastics or promiscuous interpretation.

If one is not qualified in the field of Fiqh or *Usoole Fiqh* and pretends to be qualified, that is total dishonesty and a major sin. His attitude is similar to a patient objecting to a competent physician's diagnosis, except that in the case of the patient, it is detrimental to his health. Here, it is detrimental to ones religion.

Naming children English versions of Arabic names

Q: Is it possible to name your child the English version of an Arabic name? For example, if the name is Nuh, can you name your child Noah?

A: Names of countries, cities, streets, airports, universities, and individuals are not merely named for identification purposes. Names also represent a belief of an individual or a group of people. Some of them can also represent a philosophy or some historical event.

In South Africa, names of airports and streets representing apartheid icons have been changed to names of veterans of the liberation struggle. Louis Botha Airport in Durban is now known as King Shaka International Airport. Louis Botha was an apartheid icon. King Shaka is the legendary leader of the Zulus. Jan Smuts Airport in Johannesburg is now called O.R. Tambo Airport. Many streets in Durban have been changed to the names of veterans of the

liberation movement. Some new streets are Anton Lembede Street, Xuma Street, Yusuf Dadoo Street etc.

There were many sensitivities in the renaming process. The name of one icon is removed to replace it with another. The idea was to highlight a personality and to promote the values he/she represented and fought for.

It is clear from this that naming a person is not just about naming and creating an identity. As muslims, when we name our children after the names of the prophets, Adam *(Alaihis Salam)*, Nūh *(Alaihis Salam)*, Yusuf *(Alaihis Salam)*, Ebrahim *(Alaihis Salam)*, it also serves as a reminder to uphold the values of these prophets. Keeping such names, have the potential to revolutionize a nation. When every second person is named after an illustrious prophet or an illustrious Sahābi, this will give rise to the value system of such people by studying those personalities and going deeper into what they represented. The pronunciation of a name also comes with a value system. As, muslims, we pronounce the names of prophets as Nūh, Isa, Ebrahim, Yusuf, Yahya, Mariam etc. In the Christian world, these names are pronounced as Noah, Jesus, Abraham, Joseph, John, Mary etc.

While the pronunciation of such names in Christianity represents the same personalities in Islam, the pronunciation of names according to a religion represents the value of that religion. A Christian referring to Jesus can never be the same as a muslim referring to Isa. The personalities are the same but Jesus in Christianity refers to

a part of God. This is in total variance with our belief of Tawheed.

Yahya in Islam is equivalent to John in Christianity. However, the name John conveys a strong connotation of baptism in Christianity. Likewise, all the names of the prophets in Christianity convey some value of Christianity with it.

As muslims, we preserve our Islamic values and principles. We do not subscribe or associate with anything against Islam. In naming our children with Christian pronunciation of names, it is indirectly or unconsciously accepting the Christian value which is hidden behind the pronunciation of such names.

As muslims, we should maintain the Islamic pronunciation of names to advance the Islamic value that goes with the name.

"How's a coke?!"

Q: Is it permissible to give bribe for a job? Is the salary of such an employment halal or haram? I have been trying to find a job but no one has hired me.

A: Shari'ah emphasizes on being honest, fair and truthful. Dishonesty and lies are both prohibited and resented in Shari'ah and they have also been designated as the features of hypocrisy.

Nabi *sallallāhu 'alayhi wa sallam* enumerated the signs of a hypocrite;

"The signs of a hypocrite are three; when he speaks he lies, when he makes a promise he breaches the promise, when he is entrusted he deceives."

Sahīh Bukhāri 1/16 [266]

Bribery is defined as an offering in lieu of an illicit advantage and has been expressly prohibited in Shariah.[267] Bribery is a seed by means of which society is corrupted. Where bribery is prevalent in a people one sees the effects of lawlessness. A society bereft of law and order is also bereft of stability. All of these factors would leave the inhabitants of such a society full of insecurity. Shari'ah in its absolute wisdom and foresight has afforded us divine instruction in order to protect ourselves from this destructive crime of society.

One Hadith of Nabi *sallallāhu 'alayhi wa sallam* mentions;

"The Messenger of Allah *sallallāhu 'alayhi wa sallam* cursed the one who offers a bribe and accepts a bribe."

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[٢٦٦] "آيَةُ المُنَافِقِ ثَلاَثٌ: إِذَا حَدَّثَ كَذَبَ، وَإِذَا وَعَدَ أَخْلَفَ، وَإِذَا اؤْتُمِنَ خَانَ" (البخاري ج ١ ص ١٦)

[٢٦٧] { يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا} [النساء: ٢٩]

الرَّاشِي أَوْ الْمُرْتَشِي فِي النَّارِ (التلخيص الحبير ط العلمية (٣/ ١٩))

ثُمَّ الرِّشْوَةُ أَرْبَعَةُ أَقْسَامٍ: مِنْهَا مَا هُوَ حَرَامٌ عَلَى الْآخِذِ وَالْمُعْطِي (الدر المختار وحاشية ابن عابدين (رد المحتار) (٥/ ٣٦٢))

Sunan Tirmidhī 3:15[268]

There are many Ahadith which warn against giving and taking bribery. We as followers of the pure and pristine religion of Islam should feel a sense of appreciation that we have been guided in all realms of our lives. This is so that we not only secure our Hereafter but simultaneously protect ourselves in this worldly life from the different destructive consequences of sins.

Bribery is clearly prohibited. However where one is a victim of oppression or is pressed to make a rightful claim and resorts to bribery as a last resort to preserve his right he is excused.[269] [270]

Back to school and madrasah- Be inspired!

Q: After the holidays, studying has become more of a burden rather than enjoyment. I lack all motivation to proceed in my studies. I am studying the Aalimah course but I have no interest or passion for seeking knowledge. Laziness, idleness and lethargy have overpowered me. How do I increase my zeal for knowledge

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[٢٦٨] لَعَنَ رَسُولُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيَ وَالْمُرْتَشِيَ (الترمذي رقم الحديث ١٣٣٧)

[٢٦٩] الدر المختار وحاشية ابن عابدين (رد المحتار) (٥/ ٣٦٢)

الثَّالِثُ: أَخْذُ الْمَالِ لِيُسَوِّيَ أَمْرَهُ عِنْدَ السُّلْطَانِ دَفْعًا لِلضَّرَرِ أَوْ جَلْبًا لِلنَّفْعِ وَهُوَ حَرَامٌ عَلَى الْآخِذِ فَقَطْ

[٢٧٠] فتاوى محمودية ١٨/٤٥٦

and my ability to do good? How do I avoid negative thoughts?

A: Alhamdulillah we are very happy that you are becoming an Aalimah and are studying the Qurān, Ahādīth and Shariah. This is great blessing from Allah Taʽālā. He has chosen you to be the inheritor of the Ambiyā, to be a beacon of light for the Ummah and the rest of the world, to pass down this torch of knowledge to the next generation. Once you realise this, you will understand your importance and status in the sight of Allah Taʽālā. Rasulullah *sallallahu alaihi wasallam* is reported to have said:

"When Allah wishes to do good to someone, He bestows that person with the understanding of Deen".[271]

As with every prestigious responsibility, there are some sacrifices a person needs to make to achieve a rank amongst the greats. In the matter of studies, one must abstain from sins and transgression as much as possible. The knowledge that you are receiving is a divine and pure light from Allah Taʽālā. It cannot be contaminated with sins and shortcomings otherwise the light will lose its' lustre in the eyes of the beholder and the value of this sacred knowledge will decrease. "Knowing is not enough; we must apply. Willing is not enough; we must do." You say that you know that you are falling into the traps of Shaytān, so **DO** something about it; don't dwell over it.

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[٢٧١] سنن ابن ماجه, ج.١, ص.٨٠, دار إحياء الكتب العربية

Another sacrifice that must be made to attain this knowledge is that one must work hard for it. It is the pinnacle of stupidity and idiocy to think and assume that the greatest knowledge that can be bestowed upon a mortal can be attained without hard work and perseverance. When you don't feel like studying, you have to remind yourself WHY you wanted to study in the first place; to please Allah Taʽālā and to become a good Muslim.

You have to keep in mind that a gem is not polished without rubbing, nor a man perfected without trials. All these hardships must be undertaken and borne for a person to achieve something in life and succeed. Obstacles are those frightful things you see when you take your eyes off the goal. Once you realise your goal and keep it in mind, it will motivate and spur you on to work harder. Remember, the only place success comes before work is in a dictionary. Remember you cannot plough a field by turning it over in your mind. You have to toil and exert all your forces to achieve something. Remember, the best way to make your dreams come true is to wake up.

You had this flame burning inside you once, the only thing stopping it from lighting up again is yourself. Numerous people say that they don't want to do something because they are 'depressed'. What they fail to realise is that majority of the times, this 'depression' is all in the mind. A person thinks that my parents are suffering from depression so I must also be suffering from it. We need to rid ourselves of these excuses and bring ourselves together. If a person thinks and believes he/she is depressed, it will have an effect on his/her outlook of life and the way he/she deals

with things. The same applies to a person who thinks and sincerely believes he/she is happy. However, if you genuinely feel that you are suffering from depression, you should consult your doctor or a psychiatric and take the necessary medication. There is nothing wrong in doing so. Many professional and intelligent people also seek medical support for mental and emotional balance. Seeking help and assistance from a psychiatric does not mean one is insane. Rather it does the opposite; it means that one is brave enough to admit his deficiencies and is brave enough to do something about it. The most important thing is that you must keep yourself happy and pray to Allah that He always keeps you happy.

Finally, there are many times in everyone's life when things don't seem to be going their way. At these junctures in life, remember the following: "Destitutus ventis, remos adhibe" (If the wind will not serve, take to the oars.) Do what you set out to do regardless of the conditions you face and the adversity you confront.

Running ones business at the time of Jumma

Q: I am a Muslim businessman. I have a store in a shopping centre that allows Muslim owned business to close for Jumu'ah. However, my shop is managed by non-Muslim females. Am I still obliged to remain closed (as it is forbidden to trade during Jumu'ah time) or can I leave my shop open and trade?

A: Allah Ta'ālā says in the Quran,

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ (الجمعة ٩)

"Oh you who believe! When the call to Prayer is made on Friday, then proceed at once to the remembrance of Allah and quit all commerce. That is best for you, if only you were to know (Allah's reward for it)."

In light of the above verse, the Ulama mention that trade after the call of Jumu'ah prayer is prohibited. The verse commands that we "proceed" as soon as the call is made.

In the beginning stages of Islam there was only one athān for Jumu'ah, which was called at the time of khutbah in front of the Imam. This procedure had remained right up till the era of Umar *radiyallāhu 'anhu*.

During the era of Uthmān *radiyallāhu 'anhu,* Muslims started inhabiting the outskirts of Madinah due to their large numbers. The athān that was given in front of the Imam at the time of khutbah could not be heard by many due to the distance from the Masjid.
Uthman *radiyallāhu 'anhu* ordered that another athān be called in the trading area further from the mosque at his house in Maqām e Zaura' which would be heard though out Madinah.

This practice was unanimously accepted by all the Sahabah and has been the accepted practice of the entire Ummah till today. Trading and activities which were once prohibited after the athān in front of the Imam, were now prohibited after this first athān introduced by Uthmān *radiyallāhu 'anhu*.[272]

Trade after the athān has been prohibited since it leads to delay in proceeding for Jumu'ah. If two people do a transaction after the athān whilst proceeding for Jumu'ah and the deal is not a hindrance in proceeding to Jumu'ah, such a deal is permissible. It is clear that abandoning trade upon the Jumu'ah adhaan is not the emphasis rather the emphasis is on the delay for Jumu'ah.[273]

If a person closes his business during the Jumu'ah salah, this would be an expression of his reverence and respect for the Jumu'ah Salah. However, closing ones' business during Jumu'ah Salaah is not a condition for the Jumu'ah salaah.

Closing some businesses during Jumu'ah may also not be economically practical. For example, a

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[272] Ma'ariful Quran vol.8 pg.456,

احكام القران للتهانوي ٦١/٥

[٢٧٣] (قَوْلُهُ وَتَرْكُ الْبَيْعِ) أَرَادَ بِهِ كُلَّ عَمَلٍ يُنَافِي السَّعْيَ وَخَصَّهُ اتِّبَاعًا لِلْآيَةِ نَهْرٌ (قَوْلُهُ: وَلَوْ مَعَ السَّعْيِ) صَرَّحَ فِي السِّرَاجِ بِعَدَمِ الْكَرَاهَةِ إذَا لَمْ يَشْغَلْهُ بَحْرٌ وَيَنْبَغِي التَّعْوِيلُ عَلَى الْأَوَّلِ نَهْرٌ.
قُلْت: وَسَيَذْكُرُ الشَّارِحُ فِي آخِرِ الْبَيْعِ الْفَاسِدِ أَنَّهُ لَا بَأْسَ بِهِ لِتَعْلِيلِ النَّهْيِ بِالْإِخْلَالِ بِالسَّعْيِ فَإِذَا انْتَفَى انْتَفَى(الدر المختار وحاشية ابن عابدين (رد المحتار) (٢/ ١٦١))

Muslim owns a service station. Friday is the end of the week and it is a busy period for taxis (kombis). If one closes the service station at that time, the normal clientele will go elsewhere and not return in future. This can impact the overall turnover of the business. While we believe rizq is from Allah, we are also not required to abandon permissible means of ones rizq. If one closes his business at that time, that is his level of Taqwa but not a requirement in Shari'ah.

It would be permissible that one proceeds for Jumu'ah salaah whilst his business is administered by his non-Muslim staff. The income earned during Jumu'ah time will be halal.[274]

Zakaat on SARS refund

Q: I have received my tax refund from SARS after three years due to queries.

1. Is the lump sum received zakatable? If yes, from which date?

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[٢٧٤] وَقَدْ خُصَّ مِنْهُ مَنْ لَا جُمُعَةَ عَلَيْهِ ذَكَرَهُ الْمُصَنِّفُ وَالْحَاصِلُ أَنَّ الدَّلِيلَ خَصَّ مِنْ وُجُوبِ السَّعْيِ جَمَاعَةً كَالْمَرِيضِ وَالْمُسَافِرِ (الدر المختار وحاشية ابن عابدين (رد المحتار) (٥/ ١٠١))

بأن من لم تجب عليه الجمعة مستثنى من الحكم كما في القهستاني يعني من لم تجب عليهما معا أما إذا وجبت على أحدهما دون الآخر أثما جميعا لأن الأول ارتكب النهي والثاني أعانه عليه (حاشية الطحاوي على مراقي الفلاح(٣٣٥) المطبعة الكبرى الأميرية)

فتاوى رحيمية ٨٢/٦

2. Over this time interest has been paid by SARS on this lump sum and has accumulated. Can the interest received be offset against SARS tax paid?

A: Having complete ownership of assets (such as money, gold, silver, merchandise, etc.) is a requirement in order for the assets to be "Zakatable". [275] When you dispensed your money to the government in the form of tax, the money departed from your ownership. You had no possession of the money and you were not guaranteed a refund. Hence, you are not obliged to pay Zakāh on the refunded money for the three years you did not have possession. This lump sum received will be included in your present Zakatable assets and you will pay Zakāh on the total amount the next time Zakāh is due on you. [276]

If the interest is paid by SARS, you may use that interest amount to make future payments to SARS. This ruling is specific to the interest amount received from SARS and does not refer to any other interest amount. [277] However, because the payments to SARS will be at a future date, the

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[٢٧٥] وَمِنْهَا الْمِلْكُ التَّامُّ وَهُوَ مَا اجْتَمَعَ فِيهِ الْمِلْكُ وَالْيَدُ وَأَمَّا إذَا وُجِدَ الْمِلْكُ دُونَ الْيَدِ كَالصَّدَاقِ قَبْلَ الْقَبْضِ أَوْ وُجِدَ الْيَدُ دُونَ الْمِلْكِ كَمِلْكِ الْمُكَاتَبِ وَالْمَدْيُونِ لَا تَجِبُ فِيهِ الزَّكَاةُ كَذَا فِي السِّرَاجِ الْوَهَّاجِ وَأَمَّا الْمَبِيعُ قَبْلَ الْقَبْضِ فَقِيلَ لَا يَكُونُ نِصَابًا وَالصَّحِيحُ أَنَّهُ يَكُونُ نِصَابًا كَذَا فِي مُحِيطِ السَّرَخْسِيِّ.(الفتاوي الهندية, ج ١, ص ١٧٢: مكتبه رشيدية)

[٢٧٦] وَمَنْ كَانَ لَهُ نِصَابٌ فَاسْتَفَادَ فِي أَثْنَاءِ الْحَوْلِ مَالًا مِنْ جِنْسِهِ ضَمَّهُ إلَى مَالِهِ وَزَكَّاهُ الْمُسْتَفَادُ مِنْ نَمَائِهِ أَوَّلًا وَبِأَيِّ وَجْهٍ اسْتَفَادَ ضَمَّهُ سَوَاءٌ كَانَ بِمِيرَاثٍ أَوْ هِبَةٍ أَوْ غَيْرِ ذَلِكَ .(الفتاوي الهندية, ج ١, ص ١٧٥: مكتبه رشيدية)

[٢٧٧] فتاوي محمودية, ج ٢٤, ص ٣٤٧: مكتبه محموديه

interest money should be dispensed immediately to the poor and needy.

The merging of the oceans

Q: What is the truth regarding the merging of the oceans as in the Qura'an?

A: The phenomenon regarding the merging of the two oceans is stated in the Qura'an.

Allah (Subhanahu Wa Taa'la) says:

وهو اللذى مرج البحرين هذا عذب فرات و هذا ملح اجاج و جعل بينهما برزخا و حجرا محجورا

"And He who merged together the flow of the two great waters: this one sweet, fresh to the taste; and that one salty, acrid. Yet He placed between them a seamless divide, a barrier that bars their intermingling."

(Qur'an 25:53)

Allah (Subhanahu wa Ta'ala) says:

مرج البحرين يلتقيان بينهما برزخ لا يبغيان

'He has released the two oceans which meet together. Between them is a barrier which they never transgress"

(Qur'an 19/55)

Allah (Subhanahu wa Ta'ala) says:

و جعل بين البحرين حاجزا

"And He has placed a barrier between the two oceans"

(Qur'an 27:61)

These Aayaat(verses) are a clear manifestation and exposition of Allah(Subhanahu wa Ta'ala)'s Qudrat (power).

Allah (Subhanahu wa Ta'ala) has merged the two oceans of flowing water mentioned in the Qura'an, yet they still remain distinguished with their own unique characteristics without being mixed with each other.

If water is poured into a container already half filled with water, definitely it will be intermixed and undistinguishable from the other water. Whereas, Allah (Subhanahu wa Ta'ala) has merged two huge oceans containing millions of litres of water, yet, out of Allah (Subhanahu wa Ta'ala)'s sheer Qudrat(power), they do not intermix and become undistinguishable from each other. This is surely a sign of Allah (Subhanahu wa Ta'ala)'s greatness which no superpower of the world can prevent or stop.

The characteristics of sweet/palatable water are: warmness, higher salinity and less density than salty water. The characteristics of salty/bitter water are: coldness, lesser salinity and higher density than sweet water.

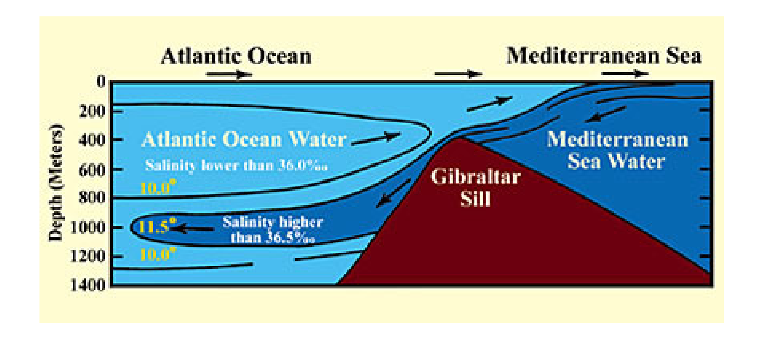
Allah (Subhanahu wa Ta'ala)'s message behind this manifestation of exaltedness and power is to show Insaan(Mankind) that he has no reason to disobey Allah (Subhanahu wa Ta'ala) as he is the ultimate supreme power of the universe.

Modern Science has discovered in the recent past, that in the places where two different seas meet, there is a barrier

between them. This barrier divides the two seas so that each sea has its own temperature, salinity and density.

For example, Mediterranean Sea water is warm, saline and less dense, compared to Atlantic Ocean water. When the Mediterranean Sea water enters the Atlantic Ocean over the Gibraltar Sill, it moves several hundred kilometres into the Atlantic Ocean at a depth of about 1000 metres with its own unique warm, saline and less dense characteristics.[278]

Scientists have provided various diagrams[279] proving this phenomenon from a scientific point of view, Hereunder are a few diagrams clearly expressing the unique merging of the oceans as mentioned in the Qura'an:



[278] A Brief Illustrated Guide To Understanding Islam, Ebrahim, chapter one, pg. 17, Darussalam, Houston, with the reference of: Principles of Oceanography, Davis, pp.92-93.

[279] http://www.freewebs.com/proofofislam/scienceinthequran.htm , link accessed at 23/12/2011.

The above diagram shows the Mediterranean Sea water as it enters with that of the Atlantic Ocean over the Gibraltar Sill with its own unique characteristics.

The shallow Camarinal Sill of the Strait of Gibraltar, which forms the shallowest point within the strait, acts to limit mixing between the cold, less saline Atlantic water and the warm Mediterranean waters. The Camarinal Sill is located at the far western end of the strait.[280]

In terms of oceanography, a sill refers to: "A ridge, above the average bottom level in a region, which separates one basin from another, or in the case of a fjord, separates the landward basin from the sea outside."[281]

According to the Oxford Dictionary, a sill means: "an underwater ridge or rock ledge extending across the bed of a body of water."[282]

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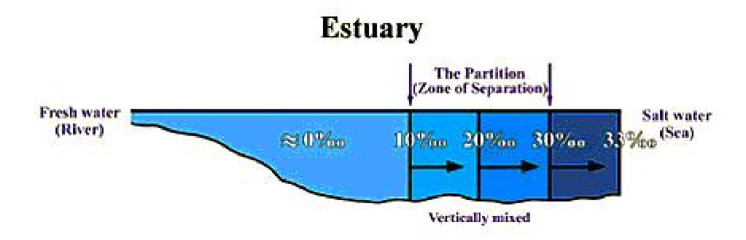
[280] http://en.wikipedia.org/wiki/Strait_of_Gibraltar, link accessed at 23/12/2011.

[281] http://books.google.co.za/books?id=Chb14jomm08C&pg=PA19&lpg=PA19&dq=sill+(oceanography)+by&source=bl&ots=fyeITYuquh&sig=iIGkPtaEKb8VY-fm9k_grigJFbk&hl=en&sa=X&ei=W9b0TquDBcbl8QPCl6DWAQ&sqi=2&ved=0CDIQ6AEwAg#v=onepage&q=sill%20(oceanography)%20by&f=false, ibid.

[282] http://oxforddictionaries.com/definition/sill, ibid.



The above diagram indicates the merging of two oceans in which the colors of both oceans differ yet they are merged into each other.



The above diagram shows the merging of an estuary which consists of fresh/palatable water with that of an ocean which consists of salty water. The estuary is separated from the ocean with a unique zone of partition described as a "pynocline zone with a marked density discontinuity separating the two layers". This zone of separation has a

different salinity from the water and salt water as indicated in the diagram.[283]

The above information has been recently discovered by oceanographers using the most advanced technology and equipment to measure temperature, salinity, density, oxygen dissolubility, e.t.c.

As Muslims, we have firm conviction in the Aayaat(verses) of the Qura'an. When scientists uncover and unearth certain phenomenon mentioned in the Qura'an, it only serves as a source of strengthening our Eemaan.

When we come across the realities of such phenomenon, we say: "Subhaanallah", which means: "Glory be to Allah".

Income from Writing articles

Q: I write articles on the internet and get paid for it. I have been using a website for promotion and in it I placed my ad for my service, but I used a stolen picture to describe my service. I got a few orders and completed them and got paid for them. Is my earning halal?

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[283] A Brief Illustrated Guide To Understanding Islam, Ebrahim, chapter one, pg.19, Darussalam, Houston, with the reference of: Oceanography, Gross, p. 242.Introductory Oceanography, Thurman, pp. 300-301.

I got paid for the service which I provided but I used a stolen picture in the ad which I used to obtain my orders. Also my parents bought me a laptop and internet connection. I don't know if they used halal money. I think they used credit cards or welfare money for which im not sure if we qualify for. Regardless of where they got their money is my income halal, if I use what they bought me to make money.

A: The service you render as a writer is permissible. Your income is Halaal. However, you have committed a sin advertising your work through a stolen picture. For that you should offer some charity to purify your income.

Nabi *salallāhu ʿalayhi wasallam* said,

"Oh group of traders verily vanity and false oaths couple trade so offset it with charity."

Mishkāt al Masābīh 2/851[284]

Computer Abuse

Q: I don't know how to ask this but at the same time it is important I have an issue with watching porn. The worst part about it is that I tend go down in masturbation. I feel so bad in the end and I always ask forgiveness from Allah. I always feel bad that I go on repeating the same thing once

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٢٨٤ يَا مَعْشَرَ التُّجَّارِ إِنَّ الْبَيْعَ يَحْضُرُهُ اللَّغْوُ وَالْحَلِفُ فَشُوبُوهُ بِالصَّدَقَةِ

every week. I don’t know what to do. I can’t approach any friend with this issue because I feel bad to say it.

My other issue is that I can't stop looking at girls. I always try to keep my gaze low but I still face this issue. I would really appreciate your help. Jazakallah

A: Alhamdulillah we are pleased to know that you realise that this heinous act is a sin, and that it is something you need to stop doing. “Admitting error clears the score, and proves you wiser than before.”Mistakes and sins are a fact of life and an inevitable reality. No-one is infallible, sinless or perfect bar the Prophets *(alayhimus salaam)*. It is our response to this realisation that matters. Some people realise and acknowledge their shortcomings but turn a blind eye to them and overlook them. On the other hand, there are people who realise their sins and make a firm resolution not to commit them again. Rasulullah*sallallahu alaihi wasallam* says:

“The person who repents from his sins is like a sinless person.”[285]

We understand from this Hadīth that once a person truly repents and sincerely asks Allah Taʿālā for forgiveness, he should have faith and be assured that Allah Taʿālā has forgiven him.

Tawbah is not confined to merely regretting ones sin and making a resolve to change. It is part of tawbah to adopt all

[٢٨٥] التَّائِبُ مِنَ الذَّنْبِ، كَمَنْ لَا ذَنْبَ لَهُ (سنن ابن ماجه, ج.٢, ص.١٤١٩, دار إحياء الكتب العربية)

practical measures to change. Stay away from all such avenues that will lead to sin. One cannot place butter in a hot pan and claim that it won't melt and one cannot touch a live wire and expect not to get shocked. Similarly, don't expect not to be drawn into evil when browsing websites containing immoral content. The real strength is in not even exploring such websites.

Practical steps to prevent oneself from masturbation

- Don't keep the laptop/ computer in your own bedroom; keep it downstairs where people can see what you are doing.
- Make a firm resolution that every time you watch pornography or masturbate, you will put X amount of money (any realistic affordable amount of money) in a box and at the end of the month I will donate it to a charity or a Masjid or to some poor people. Make sure you pay.
- Make sure you don't go on websites that may entice you and lead you to other bad websites. E.g. If you want to check the news, don't go on a website that has celebrity gossip… looking at the pictures will take you closer to the sin; rather you should use other reliable websites that don't have this type of material.
- Anytime you feel like committing looking at pornography or masturbating, close the laptop lid or switch of the computer screen, leave the room and come back and continue your work when your desires are suppressed.

- Remember to take each day as it comes. Don’t think about pornography or masturbation at all and do not even read about it. The more you think about it, the more you will want to commit it.
- Try not to remain alone; have people around you at most times.
- Don’t use the internet unless you need to. An idle mind is the devils workshop, remain occupied.
- Keep your willpower; you can take any preventative measures you want, but unless you have the sincere desire and will to stop, you won’t. “Whether you think you can or you think you can't...you're right.”
- The final and most important thing is that one constantly makes dua to Allah the Almighty and constantly does the *dhikr* of Allah. This will keep ones’ mind occupied at all times. One should not despair if he commits the sin again. Remember! If your tawbah and intention is sincere, Allah will definitely give you the *taufeeq* (ability) to refrain from this sin.

As for the second issue you mentioned; gazing at women. It is all a matter of willpower and control. You have to say to yourself that I WILL stop looking at unlawful women and you must then believe in your statement and have faith in yourself. The remorse you feel after committing this sin shows that you feel guilty and want to stop. You have to realise that this sin is not limited to your youth or adulthood. Once you start looking at women, you will not stop because you will continue to see more women that fascinate you more than the previous one. As a result of this, even when you are married and later on become a

grandfather, this filthy habit of gazing at unlawful women will remain with you.

Haircuts and Hairstyles

Q: I have a few questions. Firstly, is it permissible to cut your hair in different lengths (buzz cut or fohawks), or can you shave of your sideburns and make a style on your beard, not shave it off. I am asking this because when I was younger the barber used to shave my sideburns of while giving me a haircut, but I'm almost 16 now and my sideburns are huge and I have no beard…I look like a monkey… My dad said I can't shave it off because its part of my beard and keeping a beard is [wājib?]

If you break something that is wājib, are you still a muslim and what is the punishment? Also, what is the amount you have to keep of the beard?

A: There are two parts to your question. The first is to do with the hair of the head and the second is to do with the beard. They will be discussed separately.

Haircuts

It is permissible for a male to cut his hair. This is based on the fact that there are numerous narrations which mention that Rasulullah *sallallahu alaihi wasallam* and the Sahabah *radhiallahu anhum* cut or shaved their hair. However, there are certain haircuts/ hairstyles that are impermissible.

Everyone is attracted to the latest fashion and style donned by celebrities, pop stars, sports stars and models. Everybody wants to be identified as a person who is in-sync with the times and in co-ordination with the latest trend. This ranges from the clothes such people wear to the foods they eat; and the hairstyles they don.

Hairstyles play a major part in the way a person is perceived by society. Certain hairstyles display chivalry and boyishness, whereas other styles display that a person is a business man or a serious person. Certain hairstyles link a person to a certain group, clique or organization. Other people choose to style their hair to display their personality; be it daring, carefree, lazy, adventurous, free spirited etc.

Some of these hairstyles are as follows:

•Crew cut
•Buzz cut
•Dreadlocks
•Fohawk
•Mowhawk
•Flattop
•Afro
•Spikes
•Mullet
•Pompadour
•Quiff
•Rattail
•Caesar cut
•Cornrows
•Shag
•Undercut
•Curtains
•Half ponytail
•High top fade
•Line up
•Tonsure
•Waves
•Comb over
•Emo hair
•Bangs

As Muslims we should protect our identity. Islam is our way of **life** in everything. It is not restricted to the masjid, the house or our workplace; it advises us on what we can wear and can't wear, on what we can eat and can't eat; likewise it has given us specific guidelines pertaining to our appearance.

Allah Taʿālā states in the Holy Quran:

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ

"Say: (Oh Muhammad) If you love Allah then follow me and Allah will love you and He will forgive your sins."

(Qur'an 3:31)

It was the noble habit of Rasulullah *sallallahu alaihi wasallam* to keep long hair and it has also been proven that he shaved the hair of his mubaarak head.[286]

If one doesn't want to keep long hair or a bald head, he may adopt the hairstyles of the pious people because Allah Taʿālā states in the Holy Quran:

وَاتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ

"And follow the way of those people who repent to me."

(Qur'an 31:15)

Generally, there are two factors that render a haircut impermissible.

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[٢٨٦] احسن الفتاوى, ج.٨, ص.٨١

1. قزع (Partially shaved) [287]
2. تشبه (Imitating non- Muslims)

Qaza' is impermissible because of the following Hadīth:

عَنْ عُمَرَ بْنِ نَافِعٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنِ الْقَزَعِ . قَالَ: وَمَا الْقَزَعُ؟ قَالَ: أَنْ يُحْلَقَ مِنْ رَأْسِ الصَّبِيِّ مَكَانٌ وَيُتْرَكَ مَكَانٌ[٢٨٨]

Umar bin Nāfi' that Nāfi' narrates that Ibn Umar *radhiallahu anhuma* said: Rasulullah *sallallahu alaihi wasallam* prohibited us from *Qaza'*. Ibn Nāfi' enquired: what is *Qaza'*? He replied: "To shave one part of a child's head and leave the remaining part unshaven."

Some of the haircuts mentioned above fall under the ambit of *Qaza'* such as the: crew cut, flattop, rattail and mowhawk (when part of the head is shaved).

The second factor that renders a haircut impermissible is imitating non-muslims or fashioning ones hair according to the latest hairstyles. Rasulullah *sallallahu alaihi wasallam* said:

عَنِ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: مَنْ تَشَبَّهَ بِقَوْمٍ فَهُوَ مِنْهُمْ[٢٨٩]

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[٢٨٧]وَيُكْرَهُ الْقَزَعُ وَهُوَ أَنْ يَحْلِقَ الْبَعْضَ وَيَتْرُكَ الْبَعْضَ (رد المحتار على الدر المختار, ج.٦, ص.٤٠٧, دار الفكر)

قَالَ: وَمَا الْقَزَعُ؟ قَالَ: أَنْ يُحْلَقَ مِنْ رَأْسِ الصَّبِيِّ مَكَانٌ وَيُتْرَكَ مَكَانٌ (سنن ابن ماجه, ج.٢, ص.١٢٠١, دار إحياء الكتب العربية)

[٢٨٨]سنن ابن ماجه, ج.٢, ص.١٢٠١, دار إحياء الكتب العربية

[٢٨٩]سنن أبي داود, ج.٤, ص.٤٤, المكتبة العصرية

If a person's hair is uneven, it will be deemed impermissible if it resembles the fashion hairstyles of the non- believers[290] such as footballers, pop stars, actors etc. Haircuts and hairstyles such as a mowhawk, fohawk, marine cut, tram lines, box fade, quiff, pompadour, emo cut etc. will be impermissible.[291]

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[٢٩٠] فتاوى رحيمية, ج.١٠, ص.١١٥, دار الاشاعت

[٢٩١] ...فالرخصة انما هي جميع شعر الرأس موجودة, و كانت الذؤابة طويلة من سائر الشعور(بذل المجهود, ج.١٧, ص.٨٣, دار الريان للتراث)

Other texts to take into consideration

(ق ز ع) : (فِي الْحَدِيثِ) نَهَى عَنْ (الْقَزَعِ) هُوَ أَنْ يُحْلَقَ الرَّأْسُ وَيُتْرَكَ شَعْرٌ مُتَفَرِّقٌ فِي مَوَاضِعَ فَذَلِكَ الشَّعْرُ قَزَعٌ (وَقَزَّعَ) رَأْسَهُ تَقْزِيعًا حَلَقَهُ كَذَلِكَ وَكَأَنَّهُ مِنْ (قَزَعَ) السَّحَابِ وَهُوَ قِطَعٌ مِنْهُ مُتَفَرِّقَةٌ صِغَارٌ جَمْعُ قَزَعَةٍ (وَمِنْهَا) الْحَدِيث {كَانَتْ السَّمَاءُ كَالزُّجَاجَةِ لَيْسَتْ فِيهَا قَزَعَةٌ } .(المغرب)

قَوْلُهُ وَأَمَّا حَلْقُ رَأْسِهِ إلَخْ) وَفِي الرَّوْضَةِ للزَّنْدَويستي أَنَّ السُّنَّةَ فِي شَعْرِ الرَّأْسِ إمَّا الْفَرْقُ أَوْ الْحَلْقُ. وَذَكَرَ الطَّحَاوِيُّ: أَنَّ الْحَلْقَ سُنَّةٌ، وَنَسَبَ ذَلِكَ إلَى الْعُلَمَاءِ الثَّلَاثَةِ، وَفِي الذَّخِيرَةِ: وَلَا بَأْسَ أَنْ يَحْلِقَ وَسَطَ رَأْسِهِ وَيُرْسِلَ شَعْرَهُ مِنْ غَيْرِ أَنْ يَفْتِلَهُ وَإِنْ فَتَلَهُ فَذَلِكَ مَكْرُوهٌ، لِأَنَّهُ يَصِيرُ مُشَبَّهًا بِبَعْضِ الْكَفَرَةِ وَالْمَجُوس فِي دِيَارِنَا يُرْسِلُونَ الشَّعْرَ مِنْ غَيْرِ فَتْلٍ، وَلَكِنْ لَا يَحْلِقُونَ وَسَطَ الرَّأْسِ بَلْ يَجُزُّونَ النَّاصِيَةَ تَتَارْخَانِيَّةٌ قَالَ ط: وَيُكْرَهُ الْقَزَعُ وَهُوَ أَنْ يَحْلِقَ الْبَعْضَ وَيَتْرُكَ الْبَعْضَ قَطْعًا مِقْدَارَ ثَلَاثَةِ أَصَابِعَ كَذَا فِي الْغَرَائِبِ، وَفِيهَا: كَانَ بَعْضُ السَّلَفِ يَتْرُكُ سِبَالَيْهِ وَهُمَا أَطْرَافُ الشَّوَارِبِ. (رد المحتار على الدر المختار, ج.٦, ص.٤٠٧, دار الفكر)

وفي رَوْضِهِ الزندويستي أَنَّ السُّنَّةَ في شَعْرِ الرَّأْسِ إمَّا الْفَرْقُ وَإِمَّا الْحَلْقُ وَذَكَرَ الطَّحْطَاوِيُّ الْحَلْقُ سُنَّةٌ وَنُسِبَ ذلك إلَى الْعُلَمَاءِ الثَّلَاثَةِ كَذَا في التَّتَارْخَانِيَّة يُسْتَحَبُّ حَلْقُ الرَّأْسِ في كل جُمُعَةٍ كَذَا في الْغَرَائِبِ وَلَا بَأْسَ لِلرَّجُلِ أَنْ يَحْلِقَ وَسَطَ رَأْسِهِ وَيُرْسِلَ شَعْرَهُ من غَيْرِ أَنْ يَفْتِلَهُ وَإِنْ فَتَلَهُ فَذَلِكَ مَكْرُوهٌ لِأَنَّهُ يَصِيرُ مُشَابِهًا بِبَعْضِ الْكَفَرَةِ وَالْمَجُوس في دِيَارِنَا يُرْسِلُونَ الشَّعْرَ من غَيْرِ فَتْلٍ وَلَكِنْ لَا يَحْلِقُونَ وَسَطَ الرَّأْسِ بَلْ يَجُزُّونَ النَّاصِيَةَ كَذَا في الذَّخِيرَةِ وَيَجُوزُ حَلْقُ الرَّأْسِ وَتَرْكُ الْفَوْدَيْنِ إنْ أَرْسَلَهُمَا وَإِنْ شَدَّهُمَا على الرَّأْسِ فَلَا

If one is not sure as to whether keeping a certain hairstyle falls under the ambit of imitating the non- believers then he should abstain from it. Rasulullah *sallallahu alaihi wasallam* is reported to have said:

كَذَا فِي الْقُنْيَةِ يُكْرَهُ الْقَزَعُ وهو أَنْ يَحْلِقَ الْبَعْضَ وَيَتْرُكَ الْبَعْضَ قَطْعًا مِقْدَارَ ثَلَاثَةِ أَصَابِعَ كَذَا فِي الْغَرَائِبِ وَعَنْ أَبِي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى يُكْرَهُ أَنْ يَحْلِقَ قَفَاهُ إلَّا عِنْدَ الْحِجَامَةِ(الفتاوى الهندية, ج.٥, ص.٣٥٧, دار الفكر)

(وَ) مِنْهَا (الْقَزَعُ) بِفَتْحِ الْقَافِ وَالزَّايِ فَمُهْمَلَةٌ وَهُوَ أَنْ يَحْلِقَ بَعْضَ رَأْسِ الصَّبِيِّ وَيَتْرُكَ مِنْهُ مَوَاضِعَ النَّهْيِ وَلِتَقْبِيحِ الصُّورَةِ وَلِتَشْبِيهِ الْكَفَرَةِ فَإِذَا مُنِعَ مِنْ الصَّبِيِّ فَبِالْأَوْلَى مِنْ الْبَالِغِ ثُمَّ نُقِلَ إلَى الْأَعَمِّ مِنْ الصَّبِيِّ أَوْ تُجُوِّزَ لَهُ وَفِي الْجَامِعِ عَلَى رِوَايَةِ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا { احْلِقُوهُ أَيْ أَزِيلُوا شَعْرَ الرَّأْسِ كُلَّهُ أَوْ اُتْرُكُوهُ كُلَّهُ } فَحَلْقُ الْبَعْضِ مَعَ تَرْكِ الْبَعْضِ مَكْرُوهٌ مُطْلَقًا تَنْزِيهًا بِلَا عُذْرٍ لِرَجُلٍ أَوْ امْرَأَةٍ ذَكَرَهُ النَّوَوِيُّ فِي الْقَفَا أَوْ النَّاصِيَةِ أَوْ الْوَسَطِ خِلَافًا لِبَعْضٍ مَا فِيهِ مِنْ التَّشْوِيهِ وَتَقْبِيحِ الصُّورَةِ وَزِيِّ أَهْلِ الْفَسَادِ بَلْ زِيِّ الْيَهُودِ وَيَشْمَلُ مَا إذَا تَرَكَ مَوَاضِعَ مُتَفَرِّقَةً أَوْ حَلَقَ الْأَكْثَرَ وَتَرَكَ مَحَلًّا وَاحِدًا وَهُوَ مِنْ كَمَالِ الْمَحَبَّةِ الْمُصْطَفَى لِلْعَدْلِ فَإِنَّهُ أَمَرَ بِهِ حَتَّى فِي شَأْنِ الْإِنْسَانِ مَعَ نَفْسِهِ فَنَهَاهُ عَنْ حَلْقِ بَعْضٍ وَتَرْكِ بَعْضٍ لِأَنَّهُ ظُلْمٌ لِلرَّأْسِ حَيْثُ جَعَلَ بَعْضَهُ كَاسِيًا وَبَعْضَهُ عَارِيًّا وَنَظِيرُهُ الْمَشْيُ فِي نَعْلٍ وَاحِدَةٍ.

وَقَوْلُهُ احْلِقُوهُ يَدُلُّ عَلَى جَوَازِ الْحَلْقِ وَهُوَ مَذْهَبُ الْجُمْهُورِ وَخَصَّ ذَلِكَ بَعْضُ الْمَالِكِيَّةِ بِالضَّرُورَةِ لِوُرُودِ النَّهْيِ فِي غَيْرِ الْحَجِّ لِكَوْنِهِ فِعْلَ الْمَجُوسِ وَالصَّوَابُ الْجَوَازُ بِلَا كَرَاهَةٍ وَلَا خِلَافَ الْأَوْلَى وَأَمَّا قَوْلُ أَبِي شَامَةَ الْأَوْلَى تَرْكُهُ لِلتَّشْوِيهِ وَمُخَالَفَةِ السُّنَّةِ إذْ لَمْ يُنْقَلْ حَلْقُهُ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ بَلْ إثْمٌ فِي غَيْرِ نُسُكٍ لِأَنَّهُ شَرَعَ فِي الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى فَفِي حَيِّزِ الْمَنْعِ بِلَا رَيْبٍ كَيْفَ وَقَدْ { حَلَقَ الْمُصْطَفَى صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ رَأْسَ ابْنِ جَعْفَرِ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ } وَأَعْدَلُ حَدِيثٍ فِي هَذَا الْمَقَامِ قَوْلُ حُجَّةِ الْإِسْلَامِ لَا بَأْسَ بِحَلْقِهِ لِمَزِيدِ التَّنْظِيفِ وَلَا بِتَرْكِهِ لِمَنْ يَدَّهِنُ وَيَتَرَجَّلُ يَعْنِي مَنْ قَدَرَ عَلَى دَهْنِهِ وَتَرْجِيلِهِ فَبَقَاؤُهُ لَهُ أَوْلَى وَمَنْ عَسُرَ عَلَيْهِ لِضَعْفٍ وَفَقْرٍ فَيُلَبَّدُ وَيَتَوَسَّخُ وَيَجْمَعُ الْقَمْلَ فَحَلْقُهُ أَوْلَى(. بريقة محمودية في شرح طريقة محمدية وشريعة نبوية)

الاقتصار على حلق الربع أو تقصيره عند التحلل؛ بالخروج من إحرام الحج والعمرة، وهذا الكراهة في جميع أحوال الحلق؛ لأن القزع منهي عنه، فعن ابن عمر ء رضي الله عنهم ء: (إن رسول الله ء صلى الله عليه وسلم ء نهى عن القزع، قال: قلت لنافع: وما القزع؟ قال: يحلق بعض رأس الصبي ويترك)(الجامع في أحكام الصيام والاعتكاف والحج والعمرة)

دَعْ مَا يَرِيبُكَ إِلَى مَا لاَ يَرِيبُكَ[٢٩٢]

"Leave that which puts you in doubt and implement that thing which does not put you in doubt."

The Beard- its' definition

The definition of the beard is as follows[293]:

أَنَّ الْمُرَادَ بِاللِّحْيَةِ الشَّعْرُ النَّابِتُ عَلَى الْخَدَّيْنِ مِنْ عِذَارٍ وَعَارِضٍ وَالذَّقَنِ [٢٩٤]

"The following is meant by *'lihya'*: the hair that grows on the cheeks consisting of the sideburns (*idhār)*, jawbone *(āridh)* and chin (*dhaqn)*."

عِذَارٍ :شعر الخدين من شحمة الاذنين الى منبت اللحية /القدر الميادي للاذن

"***Idhār***: The hair that grow on the cheeks; starting from the earlobe until the jawbone/ the area adjacent to the ears."

عَارِضٍ :الشعر النابت على الخد و يمتد من اسفل العذار حتى يلاقي الشعر النابت على الذقن[٢٩٥]

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[٢٩٢]سنن الترمذي, ج.٤, ص .٢٤٩, دار الغرب الإسلامي

[٢٩٣]وَفِي شَرْحِ الْإِرْشَادِ اللِّحْيَةُ الشَّعْرُ النَّابِتُ بِمُجْتَمَعِ اللَّحْيَيْنِ وَالْعَارِضِ مَا بَيْنَهُمَا وَبَيْنَ الْعِذَارِ وَهُوَ الْقَدْرُ الْمُحَاذِي لِلْأُذُنِ يَتَّصِلُ مِنْ الْأَعْلَى بِالصُّدْغِ وَمِنْ الْأَسْفَلِ بِالْعَارِضِ
(البحر الرائق شرح كنز الدقائق, ج.١, ص.١٦,دار الكتاب الإسلامي)

[٢٩٤] البحر الرائق شرح كنز الدقائق, ج.١, ص.١٦,دار الكتاب الإسلامي

[٢٩٥]الموسوعة الفقهية الكويتية/ المورد القريب

“**Aaridh:** The hair that grows on the cheek; it starts from the bottom of the *idhār* until the hair that grows on the chin.”

From the above mentioned definitions, we understand that the beard consists of the hair of the sideburns, jawbone and chin. Based on this, it is not permissible for one to shave of his sideburns or trim them because they are part of one’s beard which is wājib to keep. The wājib length one must grow his beard to is one fist as is stated in *Durarul Hukkam.*[296]

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[296] وَأَمَّا الْأَخْذُ مِنْ اللِّحْيَةِ، وَهِيَ دُونَ الْقُبْضَةِ كَمَا يَفْعَلُهُ بَعْضُ الْمَغَارِبَةِ وَمُخَنَّثَةُ الرِّجَالِ فَلَمْ يُبِحْهُ أَحَدٌ وَأَخْذُ كُلِّهَا فِعْلُ مَجُوسِ الْأَعَاجِمِ وَالْيَهُودِ وَالْهُنُودِ وَبَعْضِ أَجْنَاسِ الْإِفْرِنْجِ كَمَا فِي الْفَتْحِ (درر الحكام شرح غرر الأحكام, ج.١, ص.٢٠٨, دار إحياء الكتب العربية)

Sweet Salaam, Sour Imaan

Q: I am working in an organisation. Where ladies (Muslims) also works, while interacting with them should we say Asalaamu alaykum or no? When they say Asalaamu alaykum should we reply to them with wa alaykum salaam or any other word or keep quiet?

A: *Sharīʿah* has unrivalled attributes. Not only does the *Sharīʿah* prohibit a certain act, it takes all the measures to prevent someone from committing a prohibited act. The *Sharīʿah* has clearly demarcated permissible from impermissible.

Allah Taʿālā states in the Qurʾān:

وَلَا تَقْرَبُوا الزِّنَا إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا (الإسراء: ٣٢)

And do not (even) come close to fornication. Verily, it is a shameful deed and an evil path

(Qurʾān 17:32)

Not only are we commanded to not commit fornication, but, rather, to stay away from all that which leads to it. Hence, it is impermissible to engage and interact with the opposite gender without a need. One should refrain from all unnecessary interactions with females to whom he is not a *mahram*.

Allah Ta'ālā has mentioned in the Qur'ān,

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ(النور: ٣٠)

Say (O Prophet) to the believing men to lower their gaze and guard their chastity. That is purer for them. Verily, Allāh is All-Aware of what they do

(Qur'ān 24:30)

Casual interaction with females to whom one is not a *mahram* may start innocently; however, it leads to greater misdeeds as is evident in society.

We acknowledge the fact that extending *salām* is a virtuous deed, it is the name of Allah and it is a *sunnah*. However, we have to bear in mind that whatever leads us to the disobedience of Allah will be prohibited. Informality and casualness commence with the exchanging of *salām*. Any familiarity and ease between the opposite gender can lead to grave consequences.

Rightly or wrongly, it is a fact that there is intermingling of the sexes at the work places. Nonetheless, *Sharīʿah*seeks to protect the integrity of a person in this world and the hereafter.

If there is a need for one to communicate with the opposite gender, then it should be straight forward and confined to the need. It is not permissible to be 'sweet' and communicate beyond the need. Being straightforward and confined to the need should not be interpreted as being rude. This is a clear injunction of Allah in the Qurʾān:

فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا مَعْرُوفًا (الأحزاب ٣٢)

Do not be soft in speech [to men], lest he in whose heart is disease should covet, but speak with appropriate speech.

(Qur'an 33:32)

Hence, refrain from falling prey to any act which can lead one to compromise his integrity and loyalty to Allah, even though it may be the exchanging of *salām*.[297]
Islamic View on Contraceptives

Q: Is contraception permissible in Islam?

<u>A:</u>
Contraception can be divided into two categories:
1) Irreversible (or permanent) contraception
2) Reversible (or temporary) contraception[298]

<u>Irreversible contraception</u>
Irreversible contraception is usually carried out by means of a sterilisation operation. Normally, there are two types sterilisation operation; one is performed on the male and the other on the female.

Male sterilisation (vasectomy)

Male sterilisation involves severing the vas, the tubes which deliver the sperm from the testes to the penis, through an incision in the scrotum. This procedure is usually performed

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[٢٩٧] فتاوى رحيمية ج ١٠ ص ١٢٦ دار الإشاعت
وَإِذَا سَلَّمَتْ الْمَرْأَةُ الْأَجْنَبِيَّةُ عَلَى رَجُلٍ إنْ كَانَتْ عَجُوزًا رَدَّ الرَّجُلُ - عَلَيْهَا السَّلَامُ - بِلِسَانِهِ بِصَوْتٍ تَسْمَعُ، وَإِنْ كَانَتْ شَابَّةً رَدَّ عَلَيْهَا فِي نَفْسِهِ، وَكَذَا الرَّجُلُ إذَا سَلَّمَ عَلَى امْرَأَةٍ أَجْنَبِيَّةٍ فَالْجَوَابُ فِيهِ عَلَى الْعَكْسِ اهـ.(رد المحتار ج ٦ ص ٣٦٩ أيج أيم سعيد)

[298] http://www.essortment.com/types-birth-control-63181.html

in a doctor's office using local anaesthetic and takes less than thirty minutes.[299]

Female sterilisation (tubectomy or tubal ligation)

When a woman ovulates, an egg is shed from the ovary and moves down the fallopian tube. If the egg meets a sperm, conception takes place. Sterilisation blocks the path of the sperm through the tube. Eggs are still released by the ovaries, but are broken down and safely reabsorbed by the body.

The operation usually involves cutting or blocking the fallopian tubes, which carry eggs from the ovaries to the womb. This prevents the eggs from reaching the sperm and becoming fertilised. It can be a fairly minor operation, with many women returning home the same day. As the ovaries aren't affected by this procedure, periods will continue as normal, with the ovaries continuing to release the same hormones. Tubal occlusion doesn't cause menopause or affect a woman's sexual desire or pleasure. [300]

Islamic viewpoint on irreversible contraception

Under normal circumstances, irreversible contraception, whether it is in the form of vasectomy or tubectomy, is absolutely prohibited in Shari'ah.

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[299] http://www.contracept.org/vasectomy.php

[300] http://www.nhs.uk/conditions/female-sterilisation/Pages/Introduction.aspx
http://www.betterhealth.vic.gov.au/bhcv2/bhcarticles.nsf/pages/Female_sterilisation

Islamic law has prohibited castration. Saʿd ibn Abi Waqqās *radiallahu anhu* narrates,

"The Prophet *salallahu alaihi wasallam* forbade ʿUthmān ibn mathʿūn *radiallahu anhu* from abstaining from marriage. If he had allowed him, we would have castrated ourselves."[301] (Sahīh al-Bukhāri)

Abdullah ibn Masʿūd *radiallahu anhu* says,

"We used to engage in Jihād with the Prophet *salallahu alaihi wasallam* and we had no one (with whom we could fulfil our desires). So we asked if we could get ourselves castrated. The Prophet *salallahu alaihi wasallam* forbade us from doing so." [302]

Ibn Abidīn *rahimahullah* categorically states that castration is impermissible.[303]

The common thread between vasectomy and castration is that both destroy the power of reproduction in a man, although the ability to have conjugal relations still exists in both. Mufti Abdur Raheem Lajpuri *rahimahullah* states that the action of permanently preventing reproduction is

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[٣٠١] عن سَعْد بْنَ أَبِي وَقَّاصٍ، يَقُولُ: «رَدَّ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَلَى عُثْمَانَ بْنِ مَظْعُونٍ التَّبَتُّلَ، وَلَوْ أَذِنَ لَهُ لاَخْتَصَيْنَا» (صحيح البخاري رقم الحديث ٤٧٨٦)

[٣٠٢] عَنِ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ: كُنَّا نَغْزُو مَعَ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لَيْسَ لَنَا نِسَاءٌ، فَقُلْنَا: يَا رَسُولَ اللَّهِ، أَلاَ نَسْتَخْصِي؟ «فَنَهَانَا عَنْ ذَلِكَ» (صحيح البخاري رقم الحديث ٥٠٧١)

[٣٠٣] وَأَمَّا خِصَاءُ الْآدَمِيِّ فَحَرَامٌ (الدر المختار من نسخة رد المحتار ج ٦ ص ٣٨٨ أيج أيم سعيد)
ولا يجوز خصاء الآدمي لأنه تمثيل به وهو حرام.(فتح باب العناية ج ٥ ص ١٨٠)

impermissible, hence under normal circumstances irreversible contraception is impermissible.[304] Mufti Khalid Saifullah Rahmani *hafizahullah* states the same in kitāb al-fatāwā.[305] The impermissibility is further endorsed in Ahsan al-Fatawa.

Despite the clear prohibition of male and female sterilisation, scholars mention that in cases of absolute necessity, it will be permissible to carry out an irreversible method of contraception.[306] The scholars should be consulted to gauge the necessity in any specific case.

Reversible contraception

Contraceptives work by preventing a man's sperm from fertilising a woman's egg, and this can be done in several different ways.

There are two main types of contraception:

1) **Barrier methods** - which physically prevent sperm from swimming into the uterus and fertilising the woman's egg.

2) **Hormonal methods** - which alter a woman's hormonal cycle to prevent fertilisation.[307]

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[٣٠٤] كذا في فتاوى رحيمية ج ١٠ ص ١٨٣ دار الإشاعت

[٣٠٥] كذا في كتاب الفتاوى ج ٦ ص ٢٢٩ زمزم

[٣٠٦] كذا في فتاوى رحيمية ج ١٠ ص ١٨٢ دار الإشاعت

[307] http://www.avert.org/birth-control-contraception.htm

The general ruling with regards to reversible contraception:

Allāmah Kāsāni (Allah have mercy on him) states in Bada'i` al-Sana'i`,

"It is disliked to engage in contraception (`azl) with one's wife without her permission. This is because intercourse with ejaculation is the means to having a child, and having a child is her right. By resorting to contraception [without her permission], having a child is prevented, which is akin to being a reason for not fulfilling her right.

However, if the contraception was with the wife's agreement (rida), then it is not disliked. In such a case, she will have willingly forgone her right."[308]

The *Fuqahā'* further mention that to practice reversible contraception without any reason is somewhat discouraged (*makrūh tanzīhī*).

If reversible contraception is practiced due to a valid reason, then it will be permissible without any dislike whatsoever. For example:

a) A woman is weak and unable to sustain pregnancy at the moment.
b) Being on a journey or away from home.

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[٣٠٨] وَيُكْرَهُ لِلزَّوْجِ أَنْ يَعْزِلَ عَنْ امْرَأَتِهِ الْحُرَّةِ بِغَيْرِ رِضَاهَا؛ لِأَنَّ الْوَطْءَ عَنْ إنْزَالٍ سَبَبٌ لِحُصُولِ الْوَلَدِ، وَلَهَا فِي الْوَلَدِ حَقٌّ، وَبِالْعَزْلِ يَفُوتُ الْوَلَدُ، فَكَأَنَّهُ سَبَبًا لِفَوَاتِ حَقِّهَا، وَإِنْ كَانَ الْعَزْلُ بِرِضَاهَا لَا يُكْرَهُ؛ لِأَنَّهَا رَضِيَتْ بِفَوَاتِ حَقِّهَا (بدائع الصنائع ج ٢ ص ٣٣٤ دار الكتب العلمية)

c) When there is discord between the husband wife and divorce seems likely.
d) Fear of older siblings being subjected to any form of difficulty if another child is born.
e) Fear that the child will become corrupt due to the corruption in the time and area one dwells in.
f) Spacing out children in order to give them adequate and equal attention.[309]
Some forms of contraception are enumerated below:

1) Coitus interruptus/withdrawal method (ʿazl)

Coitus interruptus, also known as 'withdrawal' or the pull out method, is Latin for 'interrupted intercourse'. What happens is that the man pulls out his reproductive organ out from that of his spouse before ejaculation. [310]

This was a common method in the time of the Prophet *salallahu alaihi wasallam*. [311]

This method is permissible as explicitly stated by the *Fuqahā*.

2) The rhythm method

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٣٠٩ كذا في أحسن الفتاوى

310 http://www.netdoctor.co.uk/sex_relationships/facts/coitusinterruptus.htm

٣١١ عَنْ جَابِرٍ، قَالَ: «كُنَّا نَعْزِلُ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ وَالقُرْآنُ يَنْزِلُ» (صحيح البخاري رقم الحديث ٥٢٠٩)

This method is also known as fertility awareness, periodic abstinence or the calendar method. It is a way of avoiding pregnancy by simply not having intercourse during the days when a lady ovulates.

The rhythm method of contraception is far less reliable. It is based on the average 28-day menstruation cycle. The idea is to time sexual intercourse outside of the period of ovulation.

This method is also permissible by way of analogy on the withdrawal method.

3) Condoms

There are two types of condoms; male and female. A condom is a barrier contraceptive - it blocks the route a sperm would take to fertilise an egg. They can be made from latex rubber, polyurethane, or lambskin.

Condoms stop the sperm from reaching the egg. It creates a physical barrier - this barrier makes sure fertilisation (pregnancy) does not occur. Apart from being made mainly of very thin latex rubber or polyurethane, male condoms contain a lubricant, as well as a spermicide that either destroys or damages the sperm. Extra spermicide is also available in most pharmacies. [312]

Using a male condom is permissible also. A condom will not be regarded as a foreign object being inserted into the female's private part. Instead, it will be regarded as a *tābiʿ*

[312] http://www.medicalnewstoday.com/articles/152833.php

(follower in ruling) of the male private part as without the male reproductive organ it cannot be used. Hence, it is dependent on the male reproductive organ.

However, a female condom will be disliked as it is inserted into a female's inner private part independently.

4) Intra-Uterine Devices (IUD)

This is also known as IUCD, coil, loop and the copper T. An IUD is a small, T-shaped plastic device that is wrapped in copper or contains hormones. The IUD is inserted into one's uterus by a doctor. A plastic string tied to the end of the IUD hangs down through the cervix into female private part. The IUD can be checked to see if it is in place by feeling for this string. The string is also used by the doctor to remove the IUD. Research shows an IUD works before fertilisation occurs.[313]

Types of IUDs

Hormonal IUD:

The hormonal IUD, such as Mirena, releases levonorgestrel, which is a form of the hormone progestin. The hormonal IUD appears to be slightly more effective at preventing pregnancy than the copper IUD. The hormonal IUD is effective for at least 5 years.

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313 http://www.netdoctor.co.uk/sex_relationships/facts/contraceptivecoil.htm

Copper IUD:

The most commonly used IUD is the copper IUD (such as Paragard). Copper wire is wound around the stem of the T-shaped IUD. The copper IUD can stay in place for at least 10 years and is a highly effective form of contraception.

Both types of IUD prevent fertilisation of the egg by damaging or killing sperm. The IUD also affects the uterine lining (where a fertilised egg would implant and grow).[314]

This is somewhat disliked and discouraged. The *Fuqahā* have stated that it is disliked to insert something into a woman's private area without any pressing need.[315]

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[314] http://www.webmd.com/sex/birth-control/intrauterine-device-iud-for-birth-control

[٣١٥] (ويكره وضعه) أي: وضع جميعه (في الفرج الداخل) لأنه يشبه النكاح بيدها , "محيط". (ذخر المتأهلين ص ١٧٠ دار الفكر)

وَفِي شَرْحِ الْوِقَايَةِ ثُمَّ وَضْعُ الْكُرْسُفِ مُسْتَحَبٌّ لِلْبِكْرِ فِي الْحَيْضِ وَلِلثَّيِّبِ فِي كُلِّ حَالٍ وَمَوْضِعُهُ مَوْضِعُ الْبَكَارَةِ وَيُكْرَهُ فِي الْفَرْجِ الدَّاخِلِ. اهـ.

وَفِي غَيْرِهِ أَنَّهُ سُنَّةٌ لِلثَّيِّبِ حَالَةَ الْحَيْضِ مُسْتَحَبَّةٌ حَالَةَ الطُّهْرِ وَلَوْ صَلَّتَا بِغَيْرِ كُرْسُفٍ جَازَ.(البحر الرائق ج ١ ص ١٩٣ أيج أيم سعيد)

ثُمَّ وَضْعُ الكُرْسُفِ مُسْتَحَبٌّ للبكرِ في الحيض، وللثَّيب في كلِّ حال، وموضعُهُ موضعُ البكارة، ويُكْرَهُ في الفرج الدَّاخل

(وفي بين السطور "عللوه بأنه يشبه إدخال اليد مع الاستغناء عنه) شرح الوقاية ج١ ص ١٢٢ مكتبة إمدادية

ومما يتصل بهذا النوع من المسائل (٣٢ب١) أن اتخاذ الكرسف سنّة عند الحيض، الثيّبْ يستحب لها اتخاذ الكرسف بكل حال لأنها لا تأمن خروج شيء منها فيحتاط في ذلك خصُوصاً في حالة الصلاة. وأما البكر فيستحب لها وضع الكرسف في حالة الحيض فلا يستحب لها ذلك في غير حالة الحيض. والطاهر

5) Diaphragms

The diaphragm is a dome-shaped bowl made of thin, flexible rubber that sits over the cervix. The diaphragm keeps sperm from entering the uterus by blocking the cervix. For added protection, spermicide is put into the bowl of the diaphragm and along its edges before inserting the diaphragm high into a woman's genital's so it covers the cervix.

The diaphragm is inserted up to 6 hours before having relations. More spermicide must be used each time a girl has relations while wearing the diaphragm. Additional spermicide should also be used if a girl is going to have relations more than 3 hours after she inserted the diaphragm. After relations, the diaphragm must be left in for at least 6 hours, but no longer than 24 hours. The diaphragm can be removed by placing a finger into the woman's private parts to pull it out.

إذا صلّت بغير كرسف وأمنت أن يخرج منها شيء جازت صلاتها، والأحسن أن تضع الكرسف. وعن محمد بن سلمة البلخي رحمه الله أنه يكره للمرأة أن تضع الكرسف في الفرج الداخل، قال: لأن ذلك يشبه النكاح بيدها.(المحيط البرهاني ج ١ ص ٤٠١-٤٠٠ إدارة القرآن)

وَفِي شَرْحِ الْوِقَايَةِ: وَضْعُ الْكُرْسُفِ مُسْتَحَبٌّ لِلْبِكْرِ فِي الْحَيْضِ وَلِلثَّيِّبِ فِي كُلِّ حَالٍ، وَمَوْضِعُهُ مَوْضِعُ الْبَكَارَةِ، وَيُكْرَهُ فِي الْفَرْجِ الدَّاخِلِ. اهـ.

وَفِي غَيْرِهِ أَنَّهُ سُنَّةٌ لِلثَّيِّبِ فِي الْحَيْضِ مُسْتَحَبٌّ فِي الطُّهْرِ، وَلَوْ صَلَّتَا بِدُونِهِ جَازَ. اهـ (رد المحتار ج ١ ص ٢٨٩ أيج أيم سعيد)

This is somewhat disliked and discouraged also. The *Fuqahā* have stated that it is disliked to insert something into a woman's private area without any pressing need.

6) Oral contraceptive pills

The oral contraceptive pill (also called "the Pill") is a daily pill that contains hormones to change the way the body works and prevent pregnancy. Hormones are chemical substances that control the functioning of the body's organs. In this case, the hormones in the Pill control the ovaries and the uterus.

Most birth control pills are "combination pills" containing a combination of the hormones estrogen and progesterone to prevent ovulation (the release of an egg during the monthly cycle). A woman cannot get pregnant if she doesn't ovulate because there is no egg to be fertilized. The Pill also works by thickening the mucus around the cervix, which makes it difficult for sperm to enter the uterus and reach any eggs that may have been released. The hormones in the Pill can also sometimes affect the lining of the uterus, making it difficult for an egg to attach to the wall of the uterus.[316]

Oral contraceptive methods are permissible to use also provided there is no harm. One should consult a doctor before using these pills.

7) Contraceptive injections

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316 http://kidshealth.org/teen/sexual_health/contraception/contraception_birth.html

Contraceptive injections contain a progestogen hormone which is similar to the natural progesterone that women produce in their ovaries.

There are two types of injection. Depo-Provera protects one from pregnancy for 12 weeks and Noristerat protects for eight weeks. Both of these are very effective. The main way they work is to stop the ovaries releasing an egg each month (ovulation). They also:

- Thicken the mucus from the cervix. This makes it difficult for sperm to move through it and reach an egg.
- Make the lining of the uterus (womb) thinner so it is less likely to accept a fertilised egg.

The hormone is injected into a muscle, usually into one's bottom. Depo-Provera can also sometimes be given in the arm.[317]

This method is permissible also provided there is no harm. One should again consult a doctor to see if it is a suitable method for one.

8) Implant

An implant is a small flexible rod that is placed just under the skin in the upper arm. It releases a progestogen hormone similar to the natural progesterone that women produce in their ovaries and works for up to three years.

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317 http://www.fpa.org.uk/helpandadvice/contraception/contraceptiveinjection#how-it-works

The main way it works is to stop the ovaries releasing an egg each month (ovulation). It also:

- Thickens the mucus from the cervix. This makes it difficult for sperm to move through the cervix and reach an egg.
- It makes the lining of the uterus (womb) thinner so it is less likely to accept a fertilised egg.

This method is permissible also provided there is no harm. One should again consult a doctor to see if it is a suitable method for one.

9) progestogen-only pill (POP)

The **progestogen-only pill (POP)** contains a progestogen hormone which is similar to the natural progesterone women produce in their ovaries.

Progestogen-only pills are different to combined pills because they do not contain any estrogen.

The POP works in a number of ways:

- It mainly works by thickening the mucus from the cervix. This makes it difficult for sperm to move through it and reach an egg.
- It makes the lining of the uterus (womb) thinner so it is less likely to accept a fertilised egg.

It sometimes stops the ovaries releasing an egg (ovulation). This is the main action of one POP, Cerazette. This may

mean that Cerazette is more effective than other POPs, but research has not yet confirmed this.[318]

This method is permissible also provided there is no harm. One should again consult a doctor to see if it is a suitable method for one.

10) IUS (Intrauterine system)

An **IUS** is a small T-shaped plastic device which releases a progestogen hormone. This is similar to the natural progesterone that women produce in their ovaries.

A trained doctor or nurse will put the IUS into the uterus (womb). The IUS has two soft threads at one end which hang through the opening at the entrance of one's uterus – cervix – into the top of one's private organ.

This is somewhat disliked and discouraged. The *Fuqahā* have stated that it is disliked to insert something into a woman's private area without any pressing need.[319]

11) The contraceptive vaginal ring

The contraceptive vaginal ring is a flexible, transparent, plastic ring. It is placed in the vagina where it releases two

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318 http://www.fpa.org.uk/helpandadvice/contraception/progestogenonlypillpop

hormones – estrogen and progestogen. These are similar to the natural hormones that women produce in their ovaries and are like those used in the combined pill.

The vaginal ring releases a constant dose of hormones into the bloodstream through the vaginal wall. The main way it works is to stop the ovaries from releasing an egg each month (ovulation).

It also thickens the mucus from the cervix. This makes it difficult for a sperm to move through it and reach an egg. It makes the lining of the uterus (womb) thinner so it is less likely to accept a fertilised egg.

12) Birth control patches

The birth control patch is a thin, beige, 1¾-inch (4½-centimeter) square patch that sticks to the skin. It releases hormones through the skin into the bloodstream to prevent pregnancy. Hormones are chemical substances that control the functioning of the body's organs.

The combination of the hormones progesterone and estrogen in the patch prevents ovulation (the release of an egg from the ovaries during a girl's monthly cycle). If an egg isn't released, a girl can't get pregnant because there's nothing for a male's sperm to fertilise.

The hormones in the patch also thicken the mucus produced in the cervix, making it difficult for sperm to enter and reach any eggs that may have been released. The hormones can also sometimes affect the lining of the uterus

so that if the egg is fertilised it will have a hard time attaching to the wall of the uterus.[320]

This method is permissible provided there is no harm. One should consult a doctor to see if it is a suitable method for oneself.

IT work related to selling alcohol

Q: I am an IT graduate working for a hotel where they serve alcohol to the customer which is about 20% of the revenue. Being an IT engineer my responsibility is to take care of all hardware and software which includes POS machine which are you to take the customer's order and also a POS software where I create menu buttons which include alcohol items as well.

I am getting a fixed salary which does not depend on the sale of the alcohol. I have read the Hadith in which the messenger of Allah sallallahu alaihi wasallam cursed 10 people in connection with wine. What should I do in my case? Please tell me whether it is permissible for me to continue my job and whether my earned money is halal or not. I am already trying to find another job.

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320 http://kidshealth.org/teen/sexual_health/contraception/contraception_patch.html

A: In principle, if an item has dual or multiple purposes; some permissible and others impermissible; it will be permissible to produce, buy, sell and rent such an item. However, if an item has only one impermissible purpose, then it will not be permissible to produce, buy, sell or rent such an item.

Based on this principle, if the menu button can only be sued to denote the value of the alcoholic beverage, then it will be prohibitively disliked to develop such a button. However, if it is possible to make it a dual or multiple purpose button; by making it represent the value of another beverage of the same value such as water or a soft drink as well; then it will be permissible to create and produce such a button. If you can implement the aforementioned; then we hope that your income will not be contaminated. [321] [322] [323] [324] [325]

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[٣٢١] لو أن مسلما آجر نفسه ليعمل في الكنيسة و يعمرها لا بأس به لأنه لا معصية في عين العمل (فتاوى قاضي خان, ج.٣, ص.٣٣٠, دار الكتب العلمية)

[٣٢٢] (قَوْلُهُ وَجَازَ تَعْمِيرُ كَنِيسَةٍ) قَالَ فِي الْخَانِيَّةِ: وَلَوْ آجرَ نَفْسَهُ لِيَعْمَلَ فِي الْكَنِيسَةِ وَيُعَمِّرَهَا لَا بَأْسَ بِهِ لِأَنَّهُ لَا مَعْصِيَةَ فِي عَيْنِ الْعَمَلِ (ج.٦, ص.٣٩١, أيج أيم سعيد)

[٣٢٣] قَالَ: رَحِمَهُ اللَّهُ ء (وَجَازَ بَيْعُ الْعَصِيرِ مِنْ خَمَّارٍ) البحر الرائق, ج.٨, ص.٢٣٠, دار الكتاب الإسلامي

[٣٢٤] و الضابط عندهم ان كل ما فيه منفعة تحل شرعا فان بيعه يجوز(الفقه الاسلامي و ادلتة. الفصل الاول: عقد البيع)

[٣٢٥] مُسْلِمٌ آجَرَ نَفْسَهُ مِنْ مَجُوسِيٍّ لِيُوقِدَ لَهُ النَّارَ لَا بَأْسَ بِهِ. كَذَا فِي الْخُلَاصَةِ. (الفتاوى الهندية ,ج ٤ ص ٤٥٠ دار الفكر)

Would you be my Valentine?

Q: Is it a sin to celebrate Valentine's Day?

A: Let us examine the origin of Valentine's Day:

The History of Saint Valentine's Day

Valentine's Day started in the time of the Roman Empire. In ancient Rome, February 14th was a holiday to honor Juno. Juno was the Queen of the Roman Gods and Goddesses. The Romans also knew her as the Goddess of women and marriage. The following day, February 15th, began the Feast of Lupercalia.

Under the rule of Emperor Claudius II Rome was involved in many bloody and unpopular campaigns. Claudius the Cruel was having a difficult time getting soldiers to join his military leagues and creating a huge army. Many men did not want to participate in the army. This made Claudius furious. He believed that the reason for this was that roman men did not want to leave their loved ones or their families. As a result, Claudius decided to cancel all marriages and engagements in Rome. Many people thought this was a preposterous and a cruel idea.

At that time, a Saint existed by the name of Valentine who was a priest of Rome in the days of Claudius II. He did not like the Emperor. He and Saint Marius aided the Christian martyrs and secretly married couples even after Emperor Claudius passed his law. He would isolate himself in a secret candlelit room with the bride and the groom. He whispered

the words of the ceremony, listening all the while for the steps of the soldiers.

One night, he heard the footsteps of the soldiers and the couples he was marrying escaped in time. Unfortunately he was caught. For this action of his, Saint Valentine was apprehended and dragged before the Prefect of Rome, who condemned him to be beaten to death with clubs and to have his head cut off. He was then thrown in prison and was told that his punishment was sentenced to death. The news spread and many young people came from across the land to visit him in prison. They threw flowers and notes up to the window. One of the young people was the daughter of the prison guard. Her father allowed her to visit Saint Valentine in the cell. Sometimes they would sit and talk for hours. She helped him in keeping up his spirits. She agreed that he had done the right thing by ignoring the Emperor and going ahead with the secret marriages. Saint Valentine had fallen in love with her and on the day he was to die, he left his little friend a note thanking her for her friendship and loyalty. He signed it, "Love from your Valentine."

Saint Valentine died on February 14, 269 A.D. Since then, every year people from all over the world commemorate this day as "Valentine's Day". At that time it was the custom in Rome, a very ancient custom, indeed, to celebrate in the month of February the Lupercalia, feasts in honor of a heathen god. On these occasions, amidst a variety of pagan ceremonies, the names of young women were placed in a box, from which they were drawn by the men as chance directed.

On the eve of the festival of Lupercalia, the names of Roman girls were written on slips of paper and placed into jars. Each young man would draw a girl's name from the jar and would then be partners for the duration of the festival with the girl whom he chose. Sometimes the pairing of the children lasted an entire year, and often, they would fall in love and would later marry.

It has been believed that the custom of exchanging love notes had started on Valentine’s Day.

Valentine Traditions

Hundreds of years ago in England, many children dressed up as adults on Valentine's Day. They went singing from home to home. One verse they sang was:

Good morning to you, valentine;
Curl your locks as I do mine ---
Two before and three behind.
Good morning to you, valentine.

In Wales, wooden love spoons were carved and given as gifts on February 14th. Hearts, keys and keyholes were favourite decorations on the spoons. The decoration meant, "You unlock my heart!"

In the Middle Ages, young men and women drew names from a bowl to see who their valentines would be. They would wear these names on their sleeves for one week. Wearing the heart on the sleeve made it is easy for other people to know how they were feeling. In some countries, a

young woman may receive a gift of clothing from a young man. If she kept the gift, it meant that she would marry him.

From the history of Valentine's Day, we acknowledge that Valentine is not just a name of a holiday. In fact, Valentine was a man whom the Christians believe to be a saint. Moreover, the history of Valentine is based on Shirk. In addition to this, the actions committed by the young boys and girls,[326] were purely the acts of fornication.

Islam is a religion of peace, love and unity. In Islam, there is no special day to express gratitude and love. In fact, everyday is a day to express love to one's wife, children, parents, elders etc. Islam has ordered us to be kind and just with our family members and close ones to the extent that even animals deserve love and affection. A beautiful Hadith of Rasullullah Sallallahu Alaihi Wa Sallam explains that Allah Subhanahu Wa Ta'alā had forgiven an immoral and a prostitute woman due to her kindness towards a thirsty dog.

"There was a dog who was circling a well. Thirst had nearly killed him when a prostitute from amongst the prostitutes of Bani Israeel had seen him. She removed her shoes and quenched the dog. Thereupon, she was forgiven due this action of hers."

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[326] http://www.history.com/topics/valentines-day
http://www.pictureframes.co.uk/pages/saint_valentine.htm

(Sahih Al-Bukhari 4/173)[327]

We should show love to our loved ones everyday of our lives. Our love should not be confined to a particular date such as the 14th of February. A person receives tremendous amount of reward simply by placing a morsel in the mouth of one's wife. Imagine the reward for other good deeds. The Hadith mentions:

"And you spend not upon your family seeking the pleasure of Allah but that you are rewarded for it to the extent of placing a morsel in the mouth of your wife."

(Sahih Al-Bukhari 5/178)[328]

However, due to the fact that the foundation of celebrating Valentine's Day is based on kufr and shirk, such a celebration is Harām and prohibited in Islam.

Rose Gold Jewelry for men

Q: I saw this watch online and instantly I fell in love with it. Is this watch permissible to wear in Islam for Muslim men?http://www.amazon.com/Dolce-Gabbana-DW0778-Chamonix-Bracelet/dp/B005OLIRHI/ref=pd_sbs_watch_1

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٣٢٧ بَيْنَمَا كَلْبٌ يُطِيفُ بِرَكِيَّةٍ، كَادَ يَقْتُلُهُ العَطَشُ، إِذْ رَأَتْهُ بَغِيٌّ مِنْ بَغَايَا بَنِي إِسْرَائِيلَ، فَنَزَعَتْ مُوقَهَا فَسَقَتْهُ فَغُفِرَ لَهَا بِهِ (صحيح البخاري (٤/ ١٧٣)

٣٢٨ وَلَسْتَ تُنْفِقُ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللَّهِ إِلَّا أُجِرْتَ بِهَا، حَتَّى اللُّقْمَةَ تَجْعَلُهَا فِي فِي امْرَأَتِكَ (صحيح البخاري (٥/ ١٧٨)

A: Rose gold jewelry is a mixture of yellow gold with copper. All gold jewelry is a mixture of pure gold with either copper or silver colored alloys. Rose gold has more copper colored alloys, thus creating a pinkish hue to the gold.

Depending on the amount of copper used, the color of rose gold jewelry can be a very light and subtle pink to a more deep reddish hue. Rose gold jewelry comes in 9K, 14K, and 18K gold. It has as much pure gold in it as the more commonly known yellow gold. [329]

In principle, wearing a watch containing gold or silver is not permitted if the gold or silver touches the body. [330] [331] Also the main part of the watch from which the watch is benefitted must not include gold or silver. [332]

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[329] http://rosegoldjewelry.org/rose-gold-jewelry/what-is-rose-gold (Dec. 25, 2011)

[٣٣٠] يُكْرَهُ النَّظَرُ في الْمِرْآةِ الْمُتَّخَذَةِ من الذَّهَبِ أو الْفِضَّةِ وَيُكْرَهُ أَنْ يُكْتَبَ بِالْقَلَمِ الْمُتَّخَذِ من الذَّهَبِ أو الْفِضَّةِ أو من دَوَاةٍ كَذَلِكَ وَيَسْتَوِي فيه الذَّكَرُ وَالْأُنْثَى كَذَا في السِّرَاجِيَّةِ لَا بَأْسَ بِأَنْ يَكُونَ في بَيْتِ الرَّجُلِ أَوَانِي الذَّهَبِ وَالْفِضَّةِ لِلتَّجَمُّلِ لَا يَشْرَبُ منها نَصَّ مُحَمَّدٍ رَحِمَهُ اللَّهُ تَعَالَى لِأَنَّ الْمُحَرَّمَ الِانْتِفَاعُ وَالِانْتِفَاعُ في الْأَوَانِي الشُّرْبُ كَذَا في الْكُبْرَى ثُمَّ الذي اتَّخَذَ من الْفِضَّةِ من الْأَوَانِي كُلُّ ما أَدْخَلَ يَدَهُ فيه وَأَخْرَجَ ثُمَّ اسْتَعْمَلَ لَا بَأْسَ وَكُلُّ ما يَصُبُّ من الْآنِيَةِ مِثْلُ الْأُشْنَانِ وَالدُّهْنِ وَالْغَالِيَةِ وَنَحْوِهِ فَكَانَ مَكْرُوهًا كَذَا في الْحَاوِي لِلْفَتَاوَى وَلَا بَأْسَ بِالْأَكْلِ وَالشُّرْبِ من إنَاءٍ مُذَهَّبٍ وَمُفَضَّضٍ إذَا لم يَضَعْ فَاهُ على الذَّهَبِ وَالْفِضَّةِ وَكَذَا الْمُضَبَّبُ من الْأَوَانِي وَالْكَرَاسِيّ وَالسَّرِيرِ إذَا لم يَقْعُدْ على الذَّهَبِ وَالْفِضَّةِ وَكَذَا في حَلْقَةِ الْمِرْآةِ من الذَّهَبِ وَالْفِضَّةِ وَكَذَا الْمِجْمَرُ وَاللِّجَامُ وَالسَّرْجُ وَالثُّفْرُ وَالرِّكَابُ إذَا لم يَقْعُدْ عليه وَعَنْ أبي يُوسُفَ رَحِمَهُ اللَّهُ تَعَالَى أَنَّهُ كَرِهَ جَمِيعَ ذلك وَقِيلَ مُحَمَّدٌ رَحِمَهُ اللَّهُ تَعَالَى معه وَقِيلَ مع أبي حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى كَذَا في التُّمُرْتَاشِيّ (الفتاوي الهندية, ج ٥, ص ٣٣٤: مكتبة رشيدية)

[٣٣١] امداد الاحكام, ج ٤, ص ٣٣٢: مكتبه دار العلوم كراشي

[٣٣٢] ولأبي حنيفة رضي الله عنه حرفان:

We have seen the watch referred to in the query. The gold or silver around the band will touch the hand when wearing the watch.

Furthermore, the watch has polished rose-gold-tone hands. The hands of a watch are the main instruments in displaying the time. Hence the wearing of the watch in reference is impermissible.

Note that this ruling is applicable only if the content of gold in the rose-gold is equivalent to or more than the content of copper. If the content of copper is more than the gold, then this is not pure gold. Hence, if the rose-gold is 9K, [333] then the referenced watch is permissible to wear. [334]

Wearing a Gold Watch for men

Q: I have a gold strap Rolex watch. I was informed that if the weight of the gold is less than the total weight of the

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أحدهما: أن الأصل في المخلوقات إباحة الانتفاع بها، والحرمة لعارض، والنص ورد في تحريم الشرب والأكل في آنية الذهب والفضة، فكل ما يشبه المنصوص عليه في الاستعمال يلحق بالمنصوص عليه، وما لا يشبه المنصوص عليه (٢أ٩٠) يبقى على أصل الإباحة، وههنا يتصل الذهب والفضة ببدنه، وهنا لم يتصل ببدنه، فلم يكن نظير المنصوص عليه في الاستعمال، فالحاصل أن أبا حنيفة على هذا الوجه اعتبر حرمة الاستعمال فيما يتصل ببدنه صورة. والثاني: أن هذا تابع فلا يكره، كالجبة المكفوفة بالحرير، والعلم في الثوب، وقياساً على الشرب من يده وعلى خنصره خاتم فضة، فإن ذلك لا يكره (المحيط البرهاني, ج ٨, ص ٤٧: ادارة القران)

[333] The World Book Encyclopedia, Vol. 8, Page 249

[٣٣٤] امداد المفتين, ص ٨١٥: دار الاشاعت

watch by more than 50% then it's permissible to wear. Now a days in many items there is gold content, e.g., pen, mobile phone, belts and sun glasses.
For example, the weight of watch is 100 grams and 18 carat gold is just 10 grams. Hence using it should be fine.

A: Gold items are of two types:

1. Dominant ingredient of the product is gold, e.g., 12 carats, 18 carats and 24 carats.
2. Dominant ingredient of the product is not gold, e.g., 9 carats.

Category 1: using such item is permissible with conditions:
1. Gold should not be touched while in use.
2. The main feature of the item should not be gold.

Category 2: The jurists are unanimous of the permissibility.

Hence, the watch in reference is impermissible to wear.[335]

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[٣٣٥] قال: "ويجوز الشرب في الإناء المفضض عند أبي حنيفة والركوب على السرج المفضض والجلوس على الكرسي المفضض والسرير المفضض إذا كان يتقي موضع الفضة" ومعناه: يتقي موضع الفم، وقيل هذا وموضع اليد في الأخذ وفي السرير والسرج موضع الجلوس. وقال أبو يوسف: يكره ذلك، وقول محمد يروى مع أبي حنيفة ويروى مع أبي يوسف، وعلى هذا الخلاف الإناء المضبب بالذهب والفضة والكرسي المضبب بهما، وكذا إذا جعل ذلك في السيف والمشحذ وحلقة المرأة، أو جعل المصحف مذهبا أو مفضضا، وكذا الاختلاف في اللجام والركاب والثفر إذا كان مفضضا، وكذا الثوب فيه كتابة بذهب أو فضة على هذا، **وهذا الاختلاف فيما يخلص، فأما التمويه الذي لا يخلص فلا بأس به بالإجماع**.. الهداية٤/٣٦٣ دار احياء التراث العربي بيروت

يكره النظر في المرآة المتخذة من الذهب أو الفضة. ويكره أن يكتب بالقلم المتخذ من الذهب أو الفضة أو من دواة كذلك، ويستوي فيه الذكر والأنثى، كذا في السراجية.
لا بأس بأن يكون في بيت الرجل أواني الذهب والفضة للتجمل لا يشرب منها نص محمدرحمه الله تعالى لأن المحرم الانتفاع، والانتفاع في الأواني الشرب، كذا في الكبرى.
ثم الذي اتخذ من الفضة من الأواني كل ما أدخل يده فيه وأخرج، ثم استعمل لا بأس وكل ما يصب من الآنية مثل الأشنان والدهن والغالية ونحوه فكان مكروها، كذا في الحاوي للفتاوى.
ولا بأس بالأكل والشرب من إناء مذهب ومفضض إذا لم يضع فاه على الذهب والفضة، وكذا المضبب من الأواني والكراسي والسرير إذا لم يقعد على الذهب والفضة، وكذا في حلقة المرآة من الذهب والفضة، وكذا المجمر واللجام والسرج والثفر والركاب إذا لم يقعد عليه، وعن أبي يوسف رحمه الله تعالى أنه كره جميع ذلك وقيل: محمد رحمه الله تعالى معه وقيل: مع أبي حنيفة رحمه الله تعالى, كذا في التمرتاشي.. الفتاوى الهندية٣٣٤/٥ دار الفكر
ولأبي حنيفة رضي الله عنه حرفان:
أحدهما: أن الأصل في المخلوقات إباحة الانتفاع بها، والحرمة لعارض، والنص ورد في تحريم الشرب والأكل في آنية الذهب والفضة، فكل ما يشبه المنصوص عليه في الاستعمال يلحق بالمنصوص عليه، وما لا يشبه المنصوص عليه يبقى على أصل الإباحة، وهناك يتصل الذهب والفضة بيده، وههنا لا يتصل بيده، فلم يكن نظير المنصوص عليه في الاستعمال، فالحاصل أن أبا حنيفة على هذا الوجه اعتبر حرمة الاستعمال فيما يتصل بيده صورة.
والثاني: أن هذا مانع فلا يكره، كالجبة المكفوفة بالحرير، والعلم في الثوب، وقياساً على الشرب من يده وعلى خنصره خاتم فضة، فإن ذلك لا يكره.. المحيط البرهاني ٣٤٧/٥ دار الكتب العلمية، بيروت
امداد الاحكام٣٣٢/٤ مکتبہ دار العلوم کراچی
امداد المفتين٨١٥دار الاشاعت

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031-207-5772 / 031-822-3094
fax: 086-692-7275
email: admin@daruliftaa.net
www.daruliftaa.net
www.askimam.org